

# The ALABAMA REVIEW

*A Quarterly Journal of Alabama History*

VOLUME III • OCTOBER, 1950 • NUMBER 4

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Published by UNIVERSITY OF ALABAMA PRESS, *University, Alabama*  
in Co-operation with the ALABAMA HISTORICAL ASSOCIATION

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# Southern Historians and the Downfall of the Confederacy (Part I)

By ROBERT D. LITTLE

Efforts to account for the downfall of the Confederate States of America began even before the termination of the war and have continued to the present day. The confident expectations of success by the leaders of the infant republic, the ability of the South to defend itself on nearly equal terms for more than three years, and its accelerating collapse within a few months seemed to make explanations in order; and these were not slow in appearing, at first principally from laymen and amateur investigators, then from professional historians. The presence within the South of a mordant and powerful group of critics of the government made certain that errors would not pass unnoticed and unrecorded. The capture and publication of a larger part of the governmental archives provided ample material for analysis, which was further increased by a large number of writers of memoirs and reminiscences, set free by defeat from any necessity of withholding official secrets and given unhampered opportunity to attack high officials discredited by failure.

The years immediately after the war were therefore very fruitful in the production of analyses of defeat. In 1866 Edward A. Pollard published his striking indictment of the Davis administration, *The Lost Cause*.<sup>1</sup> Three years later he was again bitterly critical of Davis' administrative errors, particularly in the financial, diplomatic, and military fields.<sup>2</sup>

<sup>1</sup> *The Lost Cause; A New Southern History of the War of the Confederates* (New York, 1866). Other editions appeared in 1867 and 1890. A French edition, *La Cause Perdue, Histoire de la Guerre des Confédérés . . .* was published in New Orleans (1867).

<sup>2</sup> *The Life of Jefferson Davis, with a Secret History of the Southern Confederacy* (Philadelphia, 1869), *passim*.



Pollard was answered in 1868 by Frank H. Alfriend's biography, which defended Davis on all counts and attributed the defeat to a disparity in numbers and resources, disadvantageous geography, naval inferiority, and the blockade.<sup>3</sup> In the same year appeared Alexander H. Stephens' *Constitutional View of the Late War between the States*. Although mainly devoting himself to a defense of the legality of secession, the former Vice President of the Confederacy attributed the defeat principally to a failure in morale resulting from the unconstitutional measures of the administration, while also noting the erroneous "cotton diplomacy."<sup>4</sup>

Analyses of less formal types were also frequently made. Lee's farewell statement to his troops at Appomattox referred to the "overwhelming numbers and resources" of the enemy. Jefferson Davis himself, incarcerated in a casemate at Fortress Monroe, confided to Dr. John J. Craven that a tragic error had been made, that the Southern troops need not have suffered from the chronic lack of supplies and equipment, but could have marched to battle well fed, well clothed, and armed with all the accoutrements of modern war—if only the cotton crop of 1861, withheld to exert diplomatic pressure, had been acquired by the government, shipped abroad, and the proceeds placed to its account.<sup>5</sup> A famous Southern theologian, Robert L. Dabney, found the cause of defeat in the overwhelming financial resources of the enemy, asserting that the South had been overpowered "not by manly force, but filthy lucre, which bribed the proletaries of the whole world to crush us."<sup>6</sup> Robert Tansill, former Confederate Army captain, shortly after Appomattox issued a pamphlet, listing thirteen causes of defeat. Although most of these referred to matters of military organization and discipline, there were included five causes frequently to be cited by later writ-

<sup>3</sup> *The Life of Jefferson Davis* (Cincinnati, 1868), *passim*.

<sup>4</sup> (Philadelphia, 1868), II, *passim*.

<sup>5</sup> *Prison Life of Jefferson Davis* (New York, 1866), pp. 174-177.

<sup>6</sup> "The Duty of the Hour," *The Land We Love*, VI, 117 (December, 1868).

ers: delusive reliance on foreign aid, the use of cotton to influence intervention instead of supporting finances, the weakening moral effect of slavery, political dissension between the administration and local groups, and the destruction of morale as a result of the suffering of the army from a lack of food and clothing.<sup>7</sup>

These fruitful inquiries, however, were shortly to be checked, and from 1868 until after the end of the century little new was added. One exception was Joseph E. Johnston's history of the war in which, after reviewing several gross strategic errors of the Davis administration, he attributed the defeat primarily to an incorrect financial policy.<sup>8</sup> Except where deep personal motives were involved, however, the tendency was to suppress analyses likely to result in acrimonious controversy. Interpretative histories were few, and these principally concerned with justifications of the South rather than a search for the causes of defeat. The reasons seem fairly obvious. Davis himself, an extremely unpopular figure at the close of the conflict, was rehabilitated by his imprisonment into a symbol of the Confederacy.<sup>9</sup> The bitterness of the Reconstruction struggle, beginning in 1867, caused a suppression of disruptive tendencies. An "official" account of the war was worked out in the form of the legend of the Lost Cause, in which hopelessly outnumbered, poorly equipped, and starving soldiers battled heroically against the invading blue hosts, with defeat ultimately certain, but postponed from time to time by the maneuvers of brilliant commanders.

Davis' *Rise and Fall of the Confederate Government*, published sixteen years after the surrender, fell easily into this vein.<sup>10</sup> The first volume is mainly a defense of the legality of

<sup>7</sup> *A Free and Impartial Exposition of the Causes Which Led to the Failure of the Confederate States to Establish Their Independence* (Washington, 1865), pp. 5-24.

<sup>8</sup> *Narrative of Military Operations . . . during the Late War between the States* (New York, 1874), *passim*.

<sup>9</sup> Davis himself realized and forecast this (see Craven, *op. cit.*, pp. 96-97.).

<sup>10</sup> (New York, 1881), I-II, *passim*.

secession and of the constitutional position of the Confederacy during the war. The remainder of the work is a dull, analistic account of the war, with virtually the only criticism directed against Davis' old enemy, General Johnston. No mention is made of errors of finance or diplomacy. Indeed, some eminent statesmen, including William Lowndes Yancey and Robert Barnwell Rhett, are likewise entirely unmentioned. No more informative is Davis' *Short History of the Confederate States of America*, published nine years later.<sup>11</sup>

Even so eminent a historian as Woodrow Wilson, writing in 1893, was satisfied with a romantic and uncritical account of the Confederacy, stating: "On the part of the South, on the other hand, the great struggle was maintained by sheer spirit and devotion, in spite of constantly diminishing resources and constantly waning hope. Her whole strength was put forth, her resources spent, exhausted, annihilated. . ."<sup>12</sup> In 1902 another distinguished southern historian who had gone North to teach, William G. Brown, protested against John C. Schwab's detailed analysis of the economy of the Confederacy according to the scientific method. Brown contended that it was impossible to reconstruct a civilization by piling stone on stone; that the real lesson of the Confederacy was to be found in its strength—the immeasurable devotion of its people which held the structure together despite its weaknesses; and that the dead nation could be better understood by reading W. E. Henley's poem describing a company of ragged soldiers on the Charleston docks.<sup>13</sup>

Nevertheless, Schwab's work,<sup>14</sup> together with another of the same type, James M. Callahan's *Diplomatic History of the Southern Confederacy*, marked a new era.<sup>15</sup> During the

<sup>11</sup> (New York, 1890).

<sup>12</sup> *Division and Reunion, 1829-1889*, 4th ed., (New York, 1912) p. 239; see also Woodrow Wilson, *A History of the American People* (New York, 1902), IV, 210-312.

<sup>13</sup> *The Lower South in American History* (New York, 1902), pp. 115-154.

<sup>14</sup> *The Confederate States of America, 1861-1865* (New York, 1901).

<sup>15</sup> (Baltimore, 1901).



next four decades a constant stream of printed studies inquired into every phase of the operations of the Confederacy. Though some of these repeated the legend of the Lost Cause, many were critical in tone, and no personalities, political or military, remained sacrosanct. The publication of the *Official Records*, completed in 1901,<sup>16</sup> enabled reexamination of political and military factors, while diplomatic and economic elements were pursued even into the archives of foreign lands. Under the influence of the "new history" sociological, ideological, and even psychological causes of defeat were inquired into.

As in most studies of causation, the problem of the collapse of the Confederacy has offered many complexities, that are reflected in the citing of three or more main causes by several historians, while others have presented a main cause fortified by secondary causes borrowed from older studies. The main center of unity has been provided by the army. The necessity of the Confederacy's achieving at least a military stalemate in order to survive has apparently suggested that all sources of causation must ultimately connect with the battlefield. As Robert S. Henry has stated, "the Confederacy was war."<sup>17</sup> The army thus became the projection of the Confederacy, reflecting the operation of economic, technological, political, social, ideological, and psychological factors. President Davis' realization of this may well have been what influenced him to cling to military leadership, rather than the itch for martial glory credited to him by unfriendly biographers.

The interlocking of causative factors has been especially marked. The blockade, diplomacy, and finances have been deeply entangled, mainly because of the decision of the Confederacy to use its cotton as a means of exerting economic pressure on foreign governments rather than to support its

<sup>16</sup> *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington, 1880-1901), 128 vols.

<sup>17</sup> *The Story of the Confederacy* (Indianapolis, 1931), p. 11.

own financial system. Mismanagement by the Davis administration has been seen by such writers as Pollard as influencing most of the other causes frequently mentioned. Internal conflict has been depicted by Frank L. Owsley as determining military strategy,<sup>18</sup> while the strategy was believed by Robert S. Cotterill to have been responsible for the destruction of morale.<sup>19</sup> The weakness of the Confederate Congress had been variously described by men like Pollard,<sup>20</sup> Alfriend,<sup>21</sup> and Robert G. Clelland,<sup>22</sup> as either a result or cause of executive maladministration.

Some historians, particularly in the late nineteenth century, have been content to point out certain immediate causes operating directly on the course of military events, such as the disabling of officers like Jackson and Albert S. Johnston at crucial moments of important battles, incompetent leadership by generals like Bragg, Pemberton, and Hood, or an irremediable lack of sufficient soldiers and supplies. Others have carefully distinguished between proximate and ultimate causes, setting up chains of causation stretching back into developments years before the war or into the basic composition of Southern society. Pollard traced the breakdown in morale (which he regarded as the immediate cause of defeat) to the administrative incompetence of the government, which he then laid at the door of President Davis.<sup>23</sup> The same author attributed Davis' failure as an executive to psychological factors whose roots he ultimately located in his early life, particularly his eight years of study and seclusion as a young man and his brilliant military exploits in the Mexican War.<sup>24</sup> Owsley traced the lack of soldiers and supplies, as well as the

<sup>18</sup> *State Rights in the Confederacy* (Chicago, 1925), pp. 272-281.

<sup>19</sup> *The Old South* (Glendale, 1937), p. 324.

<sup>20</sup> *The Life of Jefferson Davis*, pp. 160-164.

<sup>21</sup> *Op. cit.*, pp. 599-604.

<sup>22</sup> "Jefferson Davis and the Confederate Congress," *Southwestern Historical Quarterly*, XIX, 231 (January, 1916).

<sup>23</sup> *The Lost Cause*, pp. 727-729.

<sup>24</sup> *The Life of Jefferson Davis*, pp. 17-26.



defensive strategy, to the effects of an internal conflict between state governors and the administration, which he found ultimately rooted in a devotion to state rights.<sup>25</sup> He also traced the disastrous "cotton diplomacy" to an ideological source—the continued adherence of the people of the South to an eighteenth century rationalism which led them to accept "with sublime faith" ideas based on what appeared to be sound logic and reason.<sup>26</sup>

Other historians, while avoiding the chain arrangement and presenting multiple causes on the same level, have distinguished between primary and secondary, or positive and negative causes. Still others, like William P. Trent and Charles H. Wesley, have pointed to the existence of what may be termed pervasive causes, which assertedly permeated the entire structure of the Confederacy with decay.<sup>27</sup> Examples mentioned of these are slavery and an unsound social system.

In order to present this complex situation more clearly four tiers (I-IV) of causation will be examined, broadening from immediate factors influencing directly the course of military operations to ultimate causes which presumably lay at the root of all other reasons for failure. Obviously, some overlapping, both vertical and horizontal, will result. For example, the loss of morale, which will be treated on the second level, doubtless influenced not only factors on the first level but also the direct course of military events. In general, however, causes of one level have been considered to operate primarily on those of the next lower level.

On the first tier (I) may be placed three main elements: (1) disparity of resources, (2) military factors, and (3) adverse geography.

(1) Disparity of resources, both as to manpower and ma-

<sup>25</sup> *Op. cit.*, pp. 1-2.

<sup>26</sup> *King Cotton Diplomacy* (Chicago, 1931), pp. 1-2.

<sup>27</sup> Trent, *Southern Statesmen of the Old Regime* (Boston, 1897), pp. 291-292; Wesley, *The Collapse of the Confederacy* (Washington, 1937), p. 168.

teriel, was apparent from the beginning of the war and became very pronounced in the later stages. While conceding that this explanation was "agreeable to the Southern people," Pollard, the most prominent early historian, was careful to discount the significance of mere numbers, attributing the shortage of men and supplies to improper administration and insisting that the factor of space should have more than counterbalanced any deficiency.<sup>28</sup> Nevertheless, this explanation of defeat, which became the basis of the legend of the Lost Cause, was extremely popular immediately following the war, and has had to be accounted for even by historians who rejected it as a prime cause or who, like Pollard, found it only an external manifestation of other factors. Alfried in 1868 listed it as one of the three main causes of defeat.<sup>29</sup> Others who have accepted it as a major cause, either by explicit statement or implication, have been Jefferson Davis (1881), Woodrow Wilson (1893), Clement A. Evans (1899), J. L. M. Curry (1901), L. G. Tyler (1909), J. W. Jones (1909), and George C. Eggleston (1910).<sup>30</sup> Robert S. Henry, author of what is probably the best military history of the Confederacy, stated in 1931: "The preponderance of power on the part of the North was so great that nothing short of perfect performance by southern statecraft and southern command could have reversed the result."<sup>31</sup> The author of a recent history of the South, Francis B. Simkins, while reviewing nearly all Southern errors and weaknesses, implies that the Confederacy was

<sup>28</sup> *The Lost Cause*, pp. 727-729.

<sup>29</sup> *Op. cit.*, p. 572.

<sup>30</sup> Davis, *The Rise and Fall of the Confederate Government*, *passim.*; Wilson, *Division and Reunion, 1829-1889*, pp. 239-248; Evans, "An Outline of the Confederate Military History," in Clement A. Evans, ed., *Confederate Military History* (Atlanta, 1899), XII, 195-265; Curry, *A Civil History of the Government of the Confederate States* (Richmond, 1901), *passim.*; Tyler, "The South in the War for Southern Independence," and Jones, "Why the Southern Confederacy Failed," in *The South in the Building of the Nation* (Richmond, 1909-1913), IV, 499-524, 544-552; Eggleston, *The History of the Confederate War* (New York, 1910), *passim.*

<sup>31</sup> *Op. cit.*, p. 10.

hopelessly inferior to its opponent.<sup>32</sup> Other historians, while admitting that the disparity existed, have either assigned it a secondary status or have found the shortage of numbers and supplies to be a reflection of deeper causative factors. H. J. Eckinrode found mere numbers misleading in that the Northern armies were largely made up of European mercenaries, frequently of non-Nordic strains, who compared poorly on a man-to-man basis with native, Nordic Southerners.<sup>33</sup> Owsley contended that the South had sufficient volunteers to overwhelm the North in 1861, if the Confederate government could have persuaded the state governors to relinquish the weapons to arm them.<sup>34</sup> Others have pointed out that the industrial weakness of the Confederacy cannot be considered an absolute factor, but only in conjunction with diplomacy, since the systems of Britain and France might have made up any deficiency.

(2) Military factors have frequently been considered a major influence in the downfall of the Confederacy. These causes, closely related to human agencies, may be subdivided under three headings: (a) improper strategy, (b) poor leadership, and (c) casual events. The first two of these are closely related and have been emphasized by the same writers, from Pollard through Stephens, Johnston, Phillips, Eckinrode, Tate, Cotterill, and Milton. The specific errors in strategy most generally emphasized have been the dispersive and defensive policy during the first part of the war, the invasion of Pennsylvania in 1863 (rather than the reenforcement of Tennessee and Vicksburg), and the failure to send Forrest's army against Sherman's supply line in 1864. Pollard, Johnston, and Eckinrode include all these and more, and are closely followed by Allen Tate and George F. Milton.<sup>35</sup> Ulrich B. Phillips

<sup>32</sup> *The South, Old and New . . . 1820-1947* (New York, 1947), pp. 137-162.

<sup>33</sup> Jefferson Davis, *President of the South* (New York, 1923), pp. 339-340, 359-362.

<sup>34</sup> *State Rights in the Confederacy*, p. 272.

<sup>35</sup> Tate, *Jefferson Davis: His Rise and Fall* (New York, 1929), *passim.*; Milton, *Conflict; the American Civil War* (New York, 1941), *passim.*



and Cotterill particularly emphasize the failure of the South to take the offensive in 1861, thus utilizing the superior spirit of the volunteer troops to score a victory before unfavorable economic factors could begin to operate.<sup>36</sup> The latter finds the decision to stand on the defensive not only strategically fatal, but also destructive to the morale of the Confederate troops, who were temperamentally unsuited to such a policy. He differs from the others as to the significance of Vicksburg, finding it valueless to the North because the commerce of the Northwest had shifted to the Atlantic ports, and to the South because the lack of trans-Mississippi railroads made it impracticable to draw supplies from that area. He terms the siege of Vicksburg "a last salute to the dead glory of Mississippi commerce" and contends that "the folly of the Federals in besieging it was only exceeded by the folly of the Confederates in defending it."<sup>37</sup> He finds the capture of Chattanooga to have been the real turning point, but considers that the Union forces failed to exploit properly either this or the succeeding capture of Atlanta by a drive on Richmond from the southwest.

Eckinrode contends that the numerous strategic errors resulted from the lack of a unified high command directed by a military specialist, asserting: "The armies were not directed with a common purpose; no strategic system was ever devised by the South." He also finds the cautious military policy to have been a partial result of reliance on the "cotton diplomacy."<sup>38</sup> Contrary to the others, Stephens maintains that a Fabian policy should have been followed exclusively, with no fixed points defended and the sole object to "keep the flag up" until peace sentiment gained the upper hand in the North.<sup>39</sup> All these writers believe Jefferson Davis deeply at fault in the

<sup>36</sup> Phillips, *The Life of Robert Toombs* (New York, 1913), pp. 237-239; Cotterill, *op. cit.*, p. 324.

<sup>37</sup> *Ibid.*, pp. 321-322.

<sup>38</sup> *Op cit.*, pp. 340-341.

<sup>39</sup> *Op. cit.*, II, 587-589.

strategic ineptitude of the South, and some of them go on to explore psychological motivations behind this.

With the exception of Stephens, Johnston, and Phillips the same group emphasize poor tactical leadership by Confederate commanders, particularly Bragg, Pemberton, and Hood. Cotterill makes this one of the three major causes of defeat and traces it to the numerous professional officers in the army:

One of the greatest hardships of the South was the multitude of generals it inherited from the United States army. They were as a rule jealous of each other, incapable of cooperation, too full of their own importance to carry out the plans of their superiors, rarely securing or deserving the confidence of their subordinates.<sup>40</sup>

As prime examples he mentions Joseph E. Johnston, Pemberton, Bragg, and Davis himself. As in the case of the strategic factor nearly all the historians emphasizing poor leadership trace its genesis to the Confederate President. Pollard, Eekinrode, Tate, and Milton find him inclined to appoint personal favorites and to support them for long periods of command regardless of their lack of success and in defiance of both public opinion and that of their subordinates.<sup>41</sup> Milton states that "Braxton Bragg, the President's pet, was the man who in a military sense finally spelled the doom of the Confederate States."<sup>42</sup> It might be noted that this entire group of historians emphasize the war in the West.

Casual events have sometimes been mentioned as influencing the military failure of the Confederacy. Particularly, the wounding of Jackson at Chancellorsville (and his subsequent death) and the death of Albert S. Johnston at Shiloh have been interpreted as robbing the Confederacy of two decisive victories, to say nothing of the later services of two capable commanders. Though mentioned by lesser historians,<sup>43</sup>

<sup>40</sup> *Op. cit.*, p. 325.

<sup>41</sup> Pollard, *The Lost Cause*, p. 387; Eekinrode, *op. cit.*, pp. 250, 354; Tate, *op. cit.*, p. 255; Milton, *op. cit.*, pp. 286-290.

<sup>42</sup> *Ibid.*, p. 291.

<sup>43</sup> For instance, Jones, *op. cit.*, IV, 547-548.

this factor has not been emphasized by the more important, perhaps because they have preferred developments within the range of human control. Douglas S. Freeman has called attention to a deterioration in the quality of officer personnel in Lee's army as a result of battlefield attrition, and particularly to the effect of the wounding of Longstreet at the Battle of the Wilderness. However, he does not apply these events so broadly as to the fall of the Confederacy.<sup>44</sup> On the other hand, Joseph E. Johnston's wound at Seven Pines has generally been regarded as providential.

(3) Adverse geography was regarded as a major cause of defeat by Alfriend (1868) and Oates (1905) and as a negative cause by Eckinrode (1923).<sup>45</sup> The most frequently emphasized geographic factor has been the many navigable rivers leading deep into the Confederacy, giving ideal access to Union gunboats and transports while serving as a divisive rather than unifying factor to the Confederacy. Alfriend contended that this disadvantage overcame the factor of space which Polard asserted should have counterbalanced the disparity of numbers and made the Confederacy unconquerable.<sup>46</sup>

On the second level of causation (II) may be placed (1) the blockade, (2) diplomatic failure, (3) certain economic deficiencies, and (4) the loss of morale. Since the economic weaknesses of the Confederacy could presumably have been remedied but for the blockade, since the success of the blockade was closely related to diplomatic factors, and since the loss of morale was in large part due to economic deficiencies, these causes are interwoven to a high degree.

(1) The blockade has been listed as a major factor in the collapse of the Confederacy by Alfriend, Curry, Callahan,

<sup>44</sup> *Lee's Lieutenants, a Study in Command* (New York, 1942-1944), III, *passim*.

<sup>45</sup> Alfriend, *op. cit.*, pp. 572-580; W. C. Oates, *The War between the Union and the Confederacy and Its Lost Opportunities* (New York, 1905), *passim*; Eckinrode, *op. cit.*, p. 340.

<sup>46</sup> *Op. cit.*, pp. 391-392.



Latané, and Stephenson. Alfriend, writing in 1868, described the effect in far-reaching terms:

The special weapon of the North, from which no amount of victories ever brought the Confederacy one moment's relief, was the blockade—a weapon which the injustice of foreign powers placed in the grasp of our adversaries. The blockade ruined the Confederate finances and, by preventing the importation of military material, weakened the Confederate armies to the extent of thousands of men who were detailed for manufacturing and other purposes. It was the blockade, too, which caused the derangement of the internal economy of the South, creating the painful contrast in the effect of war upon the two sections.<sup>47</sup>

Other historians have been more categorical: Callahan called it "the principal cause of the Confederate failure," John H. Latané "the determining factor in the struggle," Nathaniel W. Stephenson "the real destroyer of the Confederacy."<sup>48</sup> On the other hand, Eckinrode contended that the blockade was only a negative cause of defeat, that the South would have won without it, but might have won with it.<sup>49</sup> Milton even depreciated the effect of the blockade, asserting that the Confederacy successfully met its essential needs by manufacturing, especially in the case of military supplies.<sup>50</sup>

(2) Closely tied to the blockade was the diplomatic failure to secure from Britain and France either intervention, recognition, a refusal to admit the blockade, or the release of iron-clad rams built for Confederate use against it. This diplomatic failure was complicated and worsened by the attempt to use the cotton crop as a lever to stimulate foreign intervention rather than as a financial support for the government. Confederate diplomacy has been well covered in previously-mentioned studies by Callahan (1901), Latané (1909), Owsley (1931), and by Burton J. Hendrick (1939).<sup>51</sup> Though

<sup>47</sup> *Ibid.*, p. 579.

<sup>48</sup> Callahan, *op. cit.*, p. 106; Latané, "The Diplomatic Relations of the Confederacy," in *The South in the Building of the Nation*, IV, 525-543; Stephenson, *The Day of the Confederacy* (New Haven, 1919), p. 105.

<sup>49</sup> *Op. cit.*, p. 337.

<sup>50</sup> *Op. cit.*, p. 348.

<sup>51</sup> *Statesmen of the Lost Cause* (Boston, 1939).

the two latter are critical of the efforts of individual diplomats, none believes diplomatic failure could have been averted. Indeed, the main criticism made is that the diplomacy was too sanguine in expecting foreign aid, attempted a hopeless task, and in so doing committed the South's most valuable resource. Owsley, however, contends that the King Cotton theory was highly logical and that the Southern leaders were predisposed toward it because their people were still clinging to the rationalism of the Age of Reason: "They believed with sublime faith in 'logic' and 'reason,' and accepted conclusions without mental reservations when drawn from a well-established premise."<sup>52</sup> Thus, philosophical determinism would have dictated the diplomatic failure.

(3) The principal economic causes of defeat mentioned by historians have been financial mismanagement, the failure of the railroads, and industrial backwardness. Financial mismanagement has been emphasized either as a major factor or an important secondary one by a long line of historians, including Pollard, Johnston, Brown, Phillips and Hendrick, already mentioned, and by Emory Q. Hawk and Charles W. Ramsdell.<sup>53</sup> Some of these, particularly Pollard and Hendrick, found Memminger, Secretary of the Treasury of the Confederacy, peculiarly unsuited to carry out the financial program. Hendrick remarked, "Had William McKinley, in 1897, appointed to the Treasury the most conservative banker in the nation, and then instructed him to carry out the policies of William Jennings Bryan, he would have done precisely what Jefferson Davis did when, in 1861, he placed Christopher Gustavus Memminger at the head of this department."<sup>54</sup> The main emphasis, however, has been placed directly on such erroneous policies as the failure to tax more heavily and di-

<sup>52</sup> *King Cotton Diplomacy*, p. 2.

<sup>53</sup> Hawk, *An Economic History of the South* (New York, 1934); Ramsdell, *Behind the Lines in the Southern Confederacy* (Baton Rouge, 1944).

<sup>54</sup> *Op. cit.*, p. 193.

rectly, and the decision in 1861 to use cotton for diplomatic pressure rather than financial support, particularly the latter. The alternative proposal that the government acquire the cotton crop and ship it abroad for credit was not an afterthought, but was debated at the time, and by the end of the war it was clearly recognized that a great error had been made in not doing so. Indeed, it was mentioned by Tansill (1865) as a principal cause of defeat,<sup>55</sup> and strongly emphasized during the next few years by Pollard and Johnston.<sup>56</sup> After Schwab's book was issued (1901), the subject was renewed and has since remained one of the most popular explanations of the Confederate collapse.

All the writers mentioned, except Brown and Ramsdell, attribute financial failure directly to the withholding of cotton, and almost all make it the prime cause of defeat. Tansill commented, "Verily Cotton would have been a King of Might, if he had been crowned in the right place."<sup>57</sup> And seventy-five years later Hendrick echoed,

In failing to take advantage of this superb opportunity, the Confederacy made the mistake that spelled destruction. In any review of Southern finance this fact must be kept foremost in mind. . . . The resources that would have secured all those things and many more were wasted in pursuit of an impossible foreign policy. The statesmanship of all history discloses few blunders so monstrous.<sup>58</sup>

Ramsdell, while finding finances to have been "the greatest single weakness of the Confederacy" and basic in the entire economic breakdown, professes himself unable to suggest how this could have been avoided.<sup>59</sup> Pollard characteristically traces the financial failure to the "puerility of device" of the Davis administration, while Thomas C. DeLeon, Davis's former secretary, shifts the blame to Memminger himself.<sup>60</sup>

<sup>55</sup> *Op. cit.*, pp. 8-9.

<sup>56</sup> Pollard, *The Life of Jefferson Davis*, pp. 171-188; Johnston, *op. cit.*, pp. 421-425.

<sup>57</sup> *Op. cit.*, pp. 8-9.

<sup>58</sup> *Op. cit.*, p. 215.

<sup>59</sup> *Op. cit.*, p. 85.

<sup>60</sup> Pollard, *The Life of Jefferson Davis*, pp. 171-188; DeLeon, *Four Years in Rebel Capitals* (Mobile, 1892), pp. 223-240.



The important causative influence exerted by the decline of the railroads was discussed in 1917 and 1944 by Ramsdell, who also described the administrative failure in coping with the problem.<sup>61</sup> He preferred to look on this as only a phase of the general industrial breakdown, at the root of which he placed weak finances. However, William B. Hesseltine recently assigned the railroads a major role, stating,

The poor results of all these efforts to supply its needs indicates that the Confederacy starved to death. . . . It was not so much the lack of food as the failure of the entire distribution system that brought the Confederacy to collapse.<sup>62</sup>

Milton in 1941 arrived at a similar conclusion:

Probably the most critical Southern failure was in the handling of its railway system. . . . It was not the only breakdown, but it was the essential one. It spelled doom to the whole secession structure.<sup>63</sup>

Cotterill (1937) also emphasized the vital importance of the railroads in the struggle, as had Henry in 1931.<sup>64</sup> These two historians dealt with transportation principally as a determining factor in military strategy, and saw its breakdown as primarily the result of an unsuccessful defense. The explanation would create what may be termed a vicious circle of causation rather than the usual chain.

The industrial backwardness of the Confederacy has not been widely emphasized as a major cause of defeat, although it is customary to give it cursory mention in summaries of causation. In this connection it should be pointed out that the Confederate leaders were well aware of the industrial deficiencies of their section and doubtless expected to remedy them from abroad. Only the blockade and diplomatic failure reduced the Confederacy to reliance on her own resources. Even then a partial success was attained in the most pressing

61 "The Confederate Government and the Railroads," *American Historical Review*, XXII, 794-810 (July, 1917), and *Behind the Lines in the Southern Confederacy*, pp. 94-99, 117-118.

62 *A History of the South, 1607-1936* (New York, 1936), pp. 544-545.

63 *Op. cit.*, p. 351.

64 Cotterill, *op. cit.*, pp. 330-331; Henry, *op. cit.*, *passim*.

phase—the manufacture of munitions and weapons. Eckinrode and Milton have flatly denied the importance of this factor.<sup>65</sup> Brown (1902) and Ramsdell (1944) gave it considerable significance, following the lead of Schwab (1901). Both, however, made it entirely secondary to the financial failure, and both regarded the situation as irremediable under the circumstances.<sup>66</sup>

(4) Three historians of the late 1860's—Pollard, Alfriend, and Stephens—ascribed the final breakdown of the Confederacy to a widespread loss of morale, both among the armies and the people. All denied that the military outlook was hopeless. Pollard referred to the “flat conclusion” of the war without a final massed battle as indicative of “a thorough demoralization of the armies and people of the Confederacy.” He saw this as the result of the mismanagement and failure of the commissariat and currency, the unequal enforcement of conscription, and the demonstrated incompetence of the government, with the final shock coming from Sherman's almost unopposed progress through Georgia and South Carolina. He explained:

All the stories of Confederate decay are traced at last to one source: the misgovernment that made makeshifts in every stage of the war, at last to the point of utter deprivation, and had finally broken down the spirit of its armies and the patience of its people.<sup>67</sup>

Alfriend agreed as to the presence of the breakdown, which he described as assuming the form of “a sullen indifference which, while yet averse to unconditional submission to the North, manifestly despaired of ultimate success, viewed additional sacrifices as hopeless, and anticipated the worst.” He did not agree on the source, however.<sup>68</sup> Stephens, like Pollard, discussed the decay of morale along with its source, which

<sup>65</sup> Eckinrode, *op. cit.*, pp. 338-339; Milton, *op. cit.*, p. 348.

<sup>66</sup> Brown, *op. cit.*, pp. 161-162, 185-186; Ramsdell, *Behind the Lines in the Southern Confederacy*, pp. 99-105.

<sup>67</sup> *The Lost Cause*, pp. 726-727.

<sup>68</sup> *Op. cit.*, p. 595.

he found in the "unconstitutional" measures of the administration—especially the laws providing for conscription, impressments, and the suspension of the habeas corpus.<sup>69</sup>

During the remainder of the century such explanations were not popular, probably because of the growth of the legend of the Lost Cause. Joseph E. Johnston asserted in 1874 that "no people ever displayed so much [loyalty], under such circumstances, and with so little flagging, for so long a time continuously."<sup>70</sup> J. W. Jones in 1899 stated that "the world never saw an army composed of more superb material, intellectually, physically, and morally, in all that constitutes what we call morale" and that it was supported almost unanimously by the people.<sup>71</sup> William G. Brown maintained (1902) that "the devotion of the Southerners was in fact immeasurable . . . their sacrifices were far greater than any the Revolutionary patriots made."<sup>72</sup>

It is not surprising that the twentieth century emphasis on mass psychology, public morale in wartime, and sociology should have brought renewed analysis of this factor. As early as 1911 Lawrence H. Gipson contended that the Confederacy failed to command sufficient popular support to win and that this was due to the fact that its cause did not satisfy certain psychological conditions necessary to a successful revolution.<sup>73</sup> Eight years later Frank L. Owsley stated that the enthusiasm which brought 600,000 volunteers in 1861 had largely evaporated by 1863 and that by 1865 defeatism had so undermined the structure of the Confederacy that "a complete collapse was impending, even had the Confederate army remained undefeated." He found the will to war broken by causes other than military defeat, particularly the suffering of soldiers and

<sup>69</sup> *Op. cit.*, II, 570-574, 587-589.

<sup>70</sup> *Op. cit.*, p. 425.

<sup>71</sup> "The Morale of the Confederate Armies," in Clement A. Evans, ed., *op. cit.*, XII, 121.

<sup>72</sup> *Op. cit.*, p. 167.

<sup>73</sup> "The Collapse of the Confederacy," *Mississippi Valley Historical Review*, IV, 437-458 (March, 1918).



their families, the belief that the wealthy were unduly favored by the government, and the fact that a large part of the population had only an academic interest in slavery and secession.<sup>74</sup> Though roused to resentment and anger by invasion and the threat of Negro equality, these emotions were too transient to last out the war as compared to a direct economic stake in victory.

During the last two decades four historians have reached somewhat similar conclusions. After indicating that the causative situation was so complex as to make it unsound to assign one element the leading role, Charles H. Wesley stated (1937), "Of the factors contributing to this collapse, the psychological factor of morale was one of the most influential in the complex scene. . . The theoretical interest which the majority of the people had in slavery and independence was not of sufficient weight to balance the suffering which they were called upon to make."<sup>75</sup> Bell I. Wiley (1944) also supported the thesis of the collapse of the morale of the plain people, attributing this principally to the government's failure to exempt non-slaveholding males with dependents from conscription and to take effective action against speculators. He stated that "long before the finale at Appomattox the doom of the Confederacy had been firmly sealed by the widespread defection of her humblest subjects."<sup>76</sup> Cotterill (1937) also gave some attention to the decline of morale, but attributed it to "the prolongation of the war beyond all anticipation, to its defensive character for which the people were temperamentally unfitted, and to the refusal of England either to aid the Confederacy in winning independence or to recognize it as already won."<sup>77</sup> E. M. Coulter, author of the most recent history of the Confederacy, categorically concluded that in the

<sup>74</sup> "Defeatism in the Confederacy," *North Carolina Historical Review*, III, 446-451 (July, 1926).

<sup>75</sup> *Op. cit.*, p. 171.

<sup>76</sup> *The Plain People of the Confederacy* (Baton Rouge, 1943), p. 69.

<sup>77</sup> *Op. cit.*, p. 324.

failure of morale "lay the fundamental cause for the collapse of the Confederacy," explaining: "The people did not will hard enough and long enough to win."<sup>78</sup> He found the drastic decline from the high enthusiasm of 1861 to the apathy of 1865 rooted in a variety of factors, including monetary inflation, the faulty working of conscription, the repeated dashing of false hopes roused by inaccurate information, the factionalism of disgruntled leaders, the failure of Davis to provide inspiring leadership, and a delusive belief, based on Lincoln's seductive promises, in the quick restoration of the old Union with peace. While conceding the significance as secondary influences of such factors as the blockade, the transportation breakdown, and the failure to ship cotton, he asserted that the fact remains that the Confederacy never fully utilized the human and material resources it had. It never succeeded in developing an *esprit de corps*, either in its civil or military organization, and in that sense it did not deserve to win.<sup>79</sup>

(*To be Concluded*)

<sup>78</sup> *The Confederate States of America* (Baton Rouge, 1950), pp. 70, 566.

<sup>79</sup> *Ibid.*, p. 567.

# The Alabama Constitution of 1819: A Study of Constitution-Making on the Frontier

By MALCOLM COOK McMILLAN

In 1817 Congress created the Alabama Territory from the Mississippi Territory, simultaneously admitting the State of Mississippi into the Union.<sup>1</sup> The population of the Alabama Territory grew rapidly: in two years it had more than the 60,000 population required by the Northwest Ordinance for admission into the Union, and in November, 1818, the Alabama Territorial Legislature passed a petition for statehood.<sup>2</sup> John W. Walker, Speaker of the Alabama Territorial House of Representatives, sent a copy to his friend, Senator Charles Tait of Georgia, requesting him to work for the admission of Alabama, to see that the recently passed apportionment bill be used by Congress as a basis for selection for the constitutional convention, and to urge Huntsville in North Alabama as the convention site.<sup>3</sup> Tait, who owned a plantation on the Alabama River,<sup>4</sup> successfully steered the enabling act through the Senate.<sup>5</sup> It was passed by the House, February 19, 1819, and on March 2 was signed by President James Monroe.

It was then the responsibility of the people of the Alabama Territory to write a constitution and present it to Congress

<sup>1</sup> This paper was read at the annual meeting of the Alabama Historical Association, Selma, April 8, 1950.

<sup>2</sup> *Journal of the House of Representatives of the Alabama Territory. At the Second Session of the First General Assembly . . . [1818]* (St. Stephens, 1818), p. 44.

<sup>3</sup> Walker to Tait, November 7, 1818, in Tait Papers (Alabama State Department of Archives and History, Montgomery).

<sup>4</sup> Ulrich B. Phillips, *Life and Labor in the Old South* (Boston, 1929), p. 247.

<sup>5</sup> *Annals of the Congress of the United States*, 15th Cong., 2nd Sess., 1818-1819 (Washington, 1855), p. 66.

for approval. The enabling act provided for white manhood suffrage in voting for members of the constitutional convention,<sup>6</sup> and specified that the election for delegates should be held on the first Monday and Tuesday in May. This permitted a campaign period of about two months.<sup>7</sup> Interest immediately became widespread throughout the territory, and twenty-two candidates entered the field for eight places in Madison County, seven for three places in Limestone County, and four for the two places in Cotaco County.<sup>8</sup> The campaign aroused especial interest in the Tennessee Valley counties. Although Huntsville was scarcely ten years old, the area abounded in lawyers and lawyer-planters. Many of these were well educated and particularly interested in politics and political theory. The Georgia element among them was strong, although the Tennessee element was predominant.<sup>9</sup>

Several letters to newspapers discussed the coming convention, suggesting the needs in the organic law of the state. James Titus of Huntsville, who had been a member of the legislative council for seven years, and John Leigh Townes, a lawyer of Madison County, wrote to the Huntsville *Republican*, extolling Jeffersonian principles and eighteenth century liberalism and urging that they be incorporated in Alabama's constitution.<sup>10</sup> Both stated that the primary principle to be included in the document was the sovereignty of the people. They asserted that the principles of separation of powers, independence of the judiciary, and frequent elections should also be a part of the frame of government. Another letter advised

<sup>6</sup> *United States Statutes at Large* (Boston, 1856), III, 489-492.

<sup>7</sup> See Huntsville *Republican*, March 20, 1819, for a list of the announced candidates.

<sup>8</sup> *Ibid.*, April 3, 17, 1819. After the election the *Republican* editor wrote (May 8): "We must confess we experienced the most fearful apprehensions from the agitation into which the public mind has been thrown by the conflicting interests of the different candidates. And we cannot suppress our gratification at the quiet manner in which nearly 2500 freemen have assembled together and impartially settled the claims of more than twenty candidates for popular favor."

<sup>9</sup> Thomas P. Abernethy, *The Formative Period in Alabama, 1815-1828* (Montgomery, 1922), pp. 30-31.

<sup>10</sup> *Republican*, April 3, 17, 1819.



against supporting a candidate just because he came from the same state as the voter, adding that the best candidate should be elected irrespective of his native state. The letter also stated that Alabama had a distinct advantage in constitution making because all her men were from other states and the convention would necessarily be made up of those who had had experience under earlier constitutions.<sup>11</sup> But the papers showed no evidence that any of the controversial issues, such as qualifications for franchise or basis of representation, entered the campaign. Almost all agreed that men of education and experience should be elected and that the most important problem facing the convention was the admission of Alabama into the Union.

Forty-four delegates were elected to the convention which assembled in Huntsville on July 5, 1819.<sup>12</sup> Of this number there were at least eighteen lawyers, four physicians, two ministers, one surveyor, one merchant, and four planters or farmers.<sup>13</sup> Since no information is available on the profession or occupation of the other fourteen, either before or after the convention, it may be surmised that they were the "lesser" men and that most of them were farmers or laboring men, rather than professional men. Nine of the forty-four had had prior legislative or judicial experience in the Alabama Territory and five had had similar experience in the states from

<sup>11</sup> *Ibid.*, March 27, 1819.

<sup>12</sup> *Journal of the Convention of the Alabama Territory. Begun July 5, 1819* (Huntsville, 1819), *passim*.

<sup>13</sup> The writer has been unable to secure the vote for candidates except in Madison County. There the vote was: Clement Comer Clay, 1683; John L. Townes, 1597; Henry Chambers, 1386; Lemuel Mead, 1377; John W. Walker, 1376; Gabriel Moore, 1308; Henry Minor, 1150; John M. Taylor, 1102; Samuel Walker, 1022; David Moore, 742; Isaac Wellbourn, 737; Robert Beatty, 579; Epps Moody, 511; Richard Shackelford, 498; James Titus, 416; William Lanier, 337; Nathaniel Power, 333; John J. Winston, 301; Allen J. Davie, 253; Thomas Miller, 230; James Hodges, 78; and Stephen Neal, 65. The first eight were elected. Most of the material used in the analysis of the personnel of the convention was obtained from Thomas M. Owen, *History of Alabama and Dictionary of Alabama Biography* (Chicago, 1921), III-IV, *passim*.

which they had come.<sup>14</sup> Harry Toulmin of Baldwin County had been President of Transylvania University, Secretary of State for Kentucky, and an Alabama territorial judge since 1804. William Rufus King of Dallas County had served in Congress from North Carolina from 1810 to 1816 and after that was Secretary of the Legation to the American Embassy at St. Petersburg, Russia. John Campbell, a member of the convention, described King "as about thirty-three years of age and a very gay, elegant looking fellow. He is a fluent speaker and a man of respectable talents."<sup>15</sup> Israel Pickens from Washington County had been a member of the North Carolina senate and had represented that state in Congress from 1811 to 1817. Marmaduke Williams of Tuscaloosa County had been a member of the North Carolina senate and had served that state in Congress from 1803 until 1817. John Leigh Townes had served in the Virginia Legislature in 1815 and 1816. John Murphy of Monroe had been clerk of the South Carolina senate for ten years and a trustee of South Carolina College, 1809-1818. Clement Comer Clay, Henry Hitchcock, Hugh McVay, James McGoffin, Gabriel Moore, Reuben Saffold, and John W. Walker had all been members of the Alabama Territorial Legislature and Samuel Garrow, Mayor of Mobile. At least eight of the men had had some college training. The potential ability of the delegates is best indicated by the fact that from them the state later obtained six governors, six judges of the supreme court, and six United States senators.<sup>16</sup>

Of the twenty-eight members whose birth place has been

<sup>14</sup> Not all of the men of long experience in the political life of the Territory were elected. James Titus, a member of the legislative council for seven years and its president for three years was defeated in Madison County, in spite of the fact that there were eight places to be filled.

<sup>15</sup> Campbell to David Campbell, August 11, 1819 in Campbell Collection (Duke University Library, Durham). All Campbell letters cited hereinafter are in this collection.

<sup>16</sup> William H. Thomas, *The Birth and Growth of the Constitution of Alabama*, (Montgomery, 1900), p. 4.

ascertained, fifteen were from Virginia, five from North Carolina, two from South Carolina, two from Georgia, and one each from England, Vermont, Delaware, and Pennsylvania. Many of those who had been born in eastern seaboard states had lived in other states as they migrated southwestward. The average length of residence in the Alabama Territory of twenty-six delegates was five years. But some of the leaders had just reached Alabama: William R. King had been in the territory only a year, and Israel Pickens and Henry Hitchcock each two years. On the other hand, Harry Toulmin, John W. Walker, Marmaduke Williams, Clement C. Clay, and Thomas Bibb had been in the Territory fifteen, nine, nine, eight and eight years, respectively. William Wyatt Bibb, governor of the Alabama Territory, was not a member of the convention. According to the *Huntsville Republican* of August 12, 1819, he had "evinced no disposition to become a candidate." But two of his brothers, Thomas Bibb of Limestone County and John Dandridge Bibb of Montgomery County, were members.<sup>17</sup>

John W. Walker of Huntsville, North Alabama's candidate, was elected president of the convention and John Campbell secretary. Although William R. King, Israel Pickens, and Harry Toulmin had each held more important political positions, they were from South Alabama and that region had only sixteen delegates as contrasted with North Alabama's twenty-eight. However, the fact that Walker was unanimously chosen indicates that he was satisfactory to South Alabama. He had had long experience in the Alabama Territorial Legislature and was already a lawyer with an established reputation in Huntsville.

The proceedings of the convention were conducted by President Walker, informally and with little decorum. Strict

<sup>17</sup> Campbell to John Campbell Sr., July 10, 1819. He also said that Israel Pickens and James Pickens, both members of the convention "are from North and South Carolina and are relatives of old General Pickens of the Revolution who behaved so well at Cowpens under Morgan."

parliamentary procedure could hardly have been expected of a small body of forty-four men meeting under frontier conditions, and during the course of the sessions, Secretary Campbell wrote his brother in Tennessee that Walker "knew little more of parliamentary proceedings than your boy Richard, although an accomplished scholar and a man of some smartness. He is amazingly spoilt by the flattery which is lavished upon him in our new country. However, this between ourselves. . . . They will send him to the senate of the United States where I hope he may equal the expectations of his friends. He was educated at Princeton College and is now about thirty-four years of age."<sup>18</sup> Campbell also wrote his brother that Thomas Bibb, one of the leaders in the convention, and Alabama's second governor "gets sometimes in his cups; and during the setting [sic] of the convention when in that situation would keep the house in a roar for an hour at the time."<sup>19</sup> Five days after the organization of the convention he wrote his father in Virginia:

The convention is composed of 44 members and I have never seen in any deliberative body for the numbers more urbanity and intelligence. It would do no discredit to any country however old and respectable. . . . They will make a good constitution and the state in a very short time will take its rank among the first in the Union.<sup>20</sup>

To write the original draft of a constitution for Alabama, the convention appointed the following Committee of Fifteen: Chairman Clement Comer Clay, John M. Taylor and Henry Chambers of Madison County, Israel Pickens and Henry Hitchcock of Washington, John Murphy and John Watkins of Monroe, Thomas Bibb and Beverly Hughes of Limestone,

<sup>18</sup> Campbell to David Campbell, August 11, 1819. As John Campbell predicted, Walker was elected one of Alabama's first senators, but died before he could complete his term. Campbell himself had been in the Alabama Territory only since January, 1819, having come from Virginia to speculate in land at Cahaba. His friends, Henry Chambers and William R. King, were responsible for his election as secretary of the convention (see Campbell to David Campbell, January 15, 1819; to Edward Campbell, January 18, 1819).

<sup>19</sup> Campbell to David Campbell, October 27, 1819.

<sup>20</sup> Campbell to John Campbell, Sr., July 10, 1819.



William R. King of Dallas, Arthur F. Hopkins of Lawrence, Reuben Saffold of Clarke, John D. Bibb of Montgomery, Richard Ellis of Franklin, and George Phillips of Shelby County. This committee contained most of the talent and experience in the convention (eleven lawyers, three physicians, and one merchant, most of whom were also planters),<sup>21</sup> and was heavily weighted in favor of the planter counties of the Tennessee, the Lower Tombigbee, and Alabama River valleys. Seven counties with a slave population of 40 per cent or more had nine of the fifteen members, six with a slave population of 30 per cent and less than 40 per cent had five members, and nine with a slave population of less than 30 per cent had only one member.<sup>22</sup> Eight counties with a slave population of less than 30 per cent were not represented on the committee.<sup>23</sup> Madison County in the Tennessee Valley, with a slave population of 49.26 per cent, had three members, while North Alabama had eight and South Alabama seven members.

On July 13 Clement C. Clay reported for the Committee of Fifteen the original draft of the constitution. Among the more significant features were the requirements that a voter be a white man and a member of the militia (unless exempt by law from military service), that the Federal ratio should be the basis of apportionment in the state legislature, that annual elections and annual sessions of the legislature be provided, and that a governor with veto power and some appointive power be elected by the people every two years. The document as reported in the original draft (and as finally adopted)

<sup>21</sup> Henry Chambers, John Watkins, and George Phillips were physicians and Thomas Bibb a merchant.

<sup>22</sup> According to the *Census of 1820* (Washington, 1821), n.p., Baldwin, Madison, Dallas, Autauga, Monroe, Montgomery, and Washington had 40 per cent or more slaves, Lawrence, Conecuh, Franklin, Clarke, Mobile, and Limestone had from 30 to 40 per cent, and Marengo, Tuscaloosa, Lauderdale, Cahaba, Shelby, Cotaco, St. Clair, and Blount less than 30 per cent.

<sup>23</sup> These counties were Blount, St. Clair, Cotaco, Cahaba, Lauderdale, Marion, Tuscaloosa, and Marengo. George Phillips of Shelby, a "white county," was on the committee, but a few months after the convention he moved to Dallas County, where he became a large planter.

consisted of a preamble and six articles as follows: a declaration of rights, separation of powers, the legislature, the executive, the judiciary, and general provisions.<sup>24</sup> The latter included sections on education, banks, slavery, the amending process and a schedule for putting the constitution into effect. The preamble contained many phrases taken from that section of the Constitution of the United States. In addition it defined the boundary lines of the new state and stated that the name should be Alabama. No other names were suggested.<sup>25</sup>

Few changes were made by the convention in the report of the Committee of Fifteen on the Bill of Rights. Those made were in phraseology rather than fundamental principles. Harry Toulmin, who had left England because of religious persecution sought to make more definite the provision guaranteeing religious freedom, but the motion was defeated.<sup>26</sup> A significant feature of the Bill of Rights was the absence of any clause requiring belief in God or the Christian religion in order to hold office, such as existed at the time in many of the old states of the Union. Clauses forbidding imprisonment for debt except "when there is . . . strong presumption of fraud" were included, as was the case in the constitutions of all the new states, except Louisiana.

The legislative articles stated clearly the suffrage requirements. Every white male person twenty-one years of age and a citizen of the United States, who had been in the state one year and the district three months, was made an elector. No property, tax-paying, or militia qualification was required, a militia qualification in the original draft having been eliminated by the committee of the whole. All of the original southern states, from which most of the delegates had come, had property qualification for voting, although Maryland and South

<sup>24</sup> The original draft of the constitution as reported by the Committee of Fifteen is contained in the *Mobile Commercial Register*, July 6, 8, 10, 1830.

<sup>25</sup> This unanimity of opinion had not been found in Mississippi, for instance, where seventeen delegates voted to name the state "Washington."

<sup>26</sup> *Republican*, July 22, 1819.

Carolina had abolished them by amendments in 1810. Of the new southern states Tennessee and Louisiana had property qualifications for voting and Mississippi required that one should belong to the militia in order to vote (unless exempt from military service). Kentucky, like Alabama, had none of the above qualifications.<sup>27</sup> Thus Alabama and Kentucky alone of all the southern states had universal white manhood suffrage in 1819.

No property or tax-paying qualifications for holding office, common in the constitutions of the older states, were contained in the original draft or even considered by the convention.<sup>28</sup> The qualifications for a representative were that he be a white man, twenty-one years of age,<sup>29</sup> a citizen of the United States, and a resident of Alabama for two years and the district he represented for one year before the election. The requirements for a senator were the same, except that he be twenty-seven years of age. Voting in the new state was to be by ballot, unless the General Assembly of Alabama should otherwise direct. In some of the old states voting was still *viva voce*, but an attempt from the floor of the convention to require that type of voting in Alabama failed of adoption.<sup>30</sup>

The Committee of Fifteen reported in favor of using the

<sup>27</sup> Of the western states Illinois and Indiana had none of these qualifications for voting, but in Ohio one had to pay a state or county tax in order to vote. In this study various parts of the Alabama Constitution of 1819 are compared with the constitutions of the original southern states, new southern states and western states. No comparisons are made with the constitutions of the original northern states as they had little influence on constitution making in Alabama.

<sup>28</sup> In all of the original southern states, except in Maryland (where the law had been repealed in 1810), there were property qualifications for holding office. Among the new southern states Tennessee, Louisiana and Mississippi had property qualifications for holding office. In Ohio, Indiana, and Illinois one had to pay a state or county tax to be eligible to the legislature. In Kentucky there were no such qualifications for holding office.

<sup>29</sup> The original draft provided that a member of the House of Representatives should have reached the age of twenty-three years. This was reduced to twenty-one by an amendment of Marmaduke Williams of Tuscaloosa County. The convention also reduced the minimum age for senator from thirty to twenty-seven years.

<sup>30</sup> According to the *Republican*, *loc. cit.*, *viva voce* voting was supported in speeches by Beverly Hughes and Arthur Francis Hopkins and opposed by John W. Walker, Clement C. Clay, and John M. Taylor.

Federal ratio (that is, letting five slaves equal three white men) for representation in the state legislature. Since at the time Georgia was the only state having constitutional provision for the Federal ratio in its legislative representation, it may be surmised that Georgian influence on the committee was responsible for its adoption. But, as had been the case in Mississippi two years earlier, the convention rejected the plan and set up the white population as the basis.<sup>31</sup> No records were kept of proceedings in the committee of the whole, but the Huntsville *Republican* reported that President John W. Walker led the fight to reject.<sup>32</sup> The "white counties" voted solidly for the change and the "black counties" were thus defeated in their attempt to use their slaves to gain more representation in the state legislature. The Committee of Fifteen provided for frequent census taking and apportionment thereafter. This was required because of the rapid growth and shifts in population in the new state. The legislatures of 1820, 1823, 1826, and those of every six years thereafter, were instructed to have an enumeration made of the inhabitants and to apportion representatives and senators among the counties and districts of the state according to the white population of each.

One of the bitterest fights of the convention was over apportionment of senators. South Alabama was willing to permit elections to the House of Representatives on the basis of the white population, but wanted each county to be given one senator regardless of population.<sup>33</sup> North Alabama insisted on basing representation in both houses on white population.

<sup>31</sup> The Committee of Twenty-One that reported the original draft of the Mississippi Constitution of 1817 proposed it, but the convention made the white population the basis of apportionment in Mississippi.

<sup>32</sup> July 22, 1819. Harry Toulmin introduced a motion early in the convention that the secretary of the convention keep a record of the proceedings in the committee of the whole. William R. King, Clement C. Clay and John M. Taylor opposed the motion and it was defeated, only seven voting for it (see *Journal of the Convention*, p. 14).

<sup>33</sup> *Republican*, July 22, 1819.



In the most animated debate of the session, Toulmin, Hitchcock, King, and Pickens spoke for South Alabama, and Clay, Walker, Hopkins, Taylor, and Townes for North Alabama.<sup>34</sup> Again, as in the case of the abolition of the Federal ratio, the latter section won: it was provided that after each census the legislature should fix by law the total number of senators and divide the state into the same number of senatorial districts (with as near the same number of white inhabitants as possible), giving each district one senator.

The legislative report of the Committee of Fifteen contained provisions concerning the capital of the state. The enabling act had granted a tract of land for the purpose at Cahaba. With the rapid increase and shifts in population it was realized that this place would probably not remain the capital. It was not the geographical center of the state and it was impossible to predict the center of the future population. North Alabama wanted the capital located in that part of the state, although Cahaba was more satisfactory to them than had been St. Stephens, the capital of the Alabama Territory. The southern counties were of course satisfied with Cahaba. The Committee worked out a compromise on the question, which, with minor amendments, was adopted by the convention and made a part of the constitution. It provided that the first legislature should meet at Huntsville, but that all subsequent sessions until 1825 should convene at Cahaba. In that year the permanent capital, which might or might not be Cahaba, was to be chosen by the legislature.<sup>35</sup> This fight foreshadowed the long struggle between North and South Alabama and between the towns of the state for the capital.

In spite of the ardently professed belief in separation of powers, the legislative department emerged from the conven-

<sup>34</sup> *Ibid.*, August 5, 12, 1819.

<sup>35</sup> The original draft provided that a permanent capital should be chosen by the legislature in 1826, but the convention added that if it were not moved in 1825, it would remain permanently at Cahaba (see *Journal of the Convention*, p. 22; *Republican*, July 15, 1819).

tion the strongest department of the government. The legislature was given the appointive power which later Alabama conventions were to pass to the governor.<sup>36</sup> In denying the chief executive the appointive power, the convention followed the precedent of other states which had met during and for some years after the American Revolution. The legislature appointed the secretary of state, state treasurer, comptroller of public accounts, supreme court judges, circuit judges, inferior judges and other officials. The original draft provided for the appointment of inferior judges by the governor, but the convention took this power from him.

The report of the Committee of Fifteen provided for annual elections to and annual sessions of the legislature. In thus establishing frequent elections and sessions the convention complied with the idea of sovereignty of the people, a principle to which they constantly alluded in debate. Judging from the newspapers and the *Journal of the Convention*, annual elections and sessions encountered no opposition, but they were soon to become one of the most controversial issues in Alabama politics.

The report of the Committee of Fifteen on the executive department provided for election of the governor by the people for a term of two years.<sup>37</sup> In this respect it was like the constitutions of the new southern and western states, but unlike those of the older southern states which provided for election by the legislature. It contained no property holding qualifications for the office, although many of the new states

<sup>36</sup> This was characteristic of all the original southern state constitutions, except Maryland's, and all the new state constitutions, except those of Louisiana and Kentucky. In these states the governor was given the appointive power.

<sup>37</sup> In all of the original southern states the governor was elected by joint ballot of both houses of the legislature. In all of the new states he was elected by the people. In Virginia, Maryland, and North Carolina he was chosen annually and in South Carolina and Georgia biennially by the General Assembly. Among the new states, Ohio, Tennessee, and Mississippi elected the governor biennially; in Kentucky, Louisiana, and Illinois for a term of four years, and in Vermont annually and in Indiana triennially.

and all of the old states required them. It required that the governor be thirty years of age and a resident of the state at least four years prior to his election. A unique feature was the provision that only a native citizen of the United States could be governor.<sup>38</sup> This aspect of the original draft, borrowed from the United States constitutional provision in regard to the presidency, aroused opposition, but an attempt to strike it out failed. The governor was limited to two terms in succession.<sup>39</sup> The legislative branch of the government during the colonial period had increased or diminished the chief official's salary at will. In order to make him independent of the legislature in this respect, the 1819 Convention provided that the governor's salary could not be increased or diminished during the term for which he was elected.

Obviously, the trend was toward weakening the power of the governor as outlined in the original draft. As a result of a motion of Thomas Bibb, the convention took from the governor the power to appoint (with the advice and consent of the senate) inferior judges and militia officers above quartermaster-general. The governor was made commander-in-chief of the militia, but was not given power to appoint any of the officers. The original draft had provided (Article IV, Section 14) that the governor "shall nominate and by and with the consent of the senate, appoint and commission all officers, the appointment of whom is not otherwise directed by this constitution," but this section was eliminated. A determined effort to strike out that part of the original draft which gave the governor the veto power was led by Marmaduke Williams

<sup>38</sup> The provision that only a native citizen may be governor is not found in the constitutions of any of the original southern states or new states. The provision was probably taken from the United States Constitution, which provides that only a native citizen can be president or vice-president of the United States. Only three members of the convention voted to strike out this provision (*Journal of the Convention*, p. 36).

<sup>39</sup> There were regulations against the governor serving continuously in all the original southern states, except Georgia; all the new states, except Vermont, placed similar regulations upon the governor.

and John Murphy. They were opposed by John W. Walker, Clement C. Clay, Arthur Francis Hopkins, and Beverly Hughes. The move might have been successful had not Clay argued that the majority necessary for over-riding the veto be reduced from two-thirds, as provided in the original draft, to a mere majority.<sup>40</sup> This was carried and those who wanted to deny the governor the veto power were defeated. However, as is apparent, they had succeeded in drastically limiting that power.

The original draft provided for the election of sheriff, the county executive officer, by the people. Although the report was adopted, speeches in opposition to popular election were made by Chambers, Hopkins, Taylor and King. Clay, Hughes, Hitchcock, McVay, Walker, and Toulmin favored the plan. The opponents did not agree on how he should be chosen. Some favored appointment by the county court, as in Virginia, North Carolina, Kentucky, and Tennessee; others preferred election by joint ballot of the legislature, as in South Carolina and Vermont; and others appointment by the governor with the consent of the senate, as in Louisiana. The opposition to the provision in the original draft against the sheriff succeeding himself was also defeated. In this case Clay, Pickens, and Hopkins supported the original report and Taylor and Williams opposed it.<sup>41</sup>

The original draft of the constitution did not provide for a lieutenant governor and there was no effort in the Convention to add one by amendment. The president of the senate and then the speaker of the house were placed in line of suc-

<sup>40</sup> *Mobile Gazette*, August 25, 1819. Ironically, Territorial Governor Robert Williams, brother of Marmaduke Williams, had done more than anyone else to create fear of the executive branch of the government by his fight with the legislature, 1807-1809.

<sup>41</sup> In Maryland, where the 1776 constitution had given the people the right to elect sheriffs, and in Ohio, Indiana, Illinois and Mississippi they were elected by qualified voters.



cession to the governor.<sup>42</sup> Other executive officials were the secretary of state, state treasurer, and comptroller of public accounts, all of whom were elected by joint ballot of the two houses of the legislature.

The executive article of the Alabama Constitution of 1819 reflects the Revolutionary and post-Revolutionary feeling against the governor. This attitude had been accentuated in the Mississippi Territory by experiences with governors, especially by the fight between the people and Governor Winthrop Sargent and between the Territorial Legislature and Governor Robert Williams.<sup>43</sup> Under territorial government the executive branch had been much the strongest. During the colonial period the legislature paid the governor and used this power to control him, but this control was missing in the case of United States territories, since the governor was paid by the Federal government. The fear of the executive branch of the government and the reduction of its power to a minimum by the convention was a natural reaction to earlier experiences.

The first draft of the judiciary article provided for a supreme court, circuit courts, and such inferior courts as the legislature should establish. All judges of the circuit and supreme courts were to be elected by joint ballot of the legislature. As already stated, the report provided that inferior judges were to be appointed by the governor with the consent of the senate, but the convention decided they should be elected by the legislature. The original draft provided that "each court shall appoint its own clerk, who shall hold office during good behavior." Liberals in the convention moved that clerks should

<sup>42</sup> At this time about half of the state constitutions gave the president of the senate preference in succession over the speaker of the house. The president of the Alabama senate was soon to become governor in Alabama. William Wyatt Bibb, Alabama's first governor, died in office, and his brother, Thomas Bibb, president of the senate, succeeded him.

<sup>43</sup> See Clarence E. Carter, ed., *Territorial Papers of the United States* (Washington, 1937) V, 63-103, 614-636.

be elected by the people for a term of four years.<sup>44</sup> They had precedent behind them, for by amendment in 1808 Georgia had made her clerks of court elected by the people and the Indiana constitutional convention of 1816 had given their election to the qualified voters.<sup>45</sup> Clay, Toulmin, and George Phillips led the fight against election by the people, but the democratic provision prevailed.<sup>46</sup>

Life tenure for judges was recommended by the Committee of Fifteen, but an amendment was offered from the floor to limit their tenure to six years. The conservatives charged that this move would make the judges subservient to the legislature, as they would come before that body for re-election, and it was defeated by a vote of 25 to 18, all but two members of the committee of fifteen voting against it.<sup>47</sup> The "white counties" voted almost solidly in its favor.<sup>48</sup> There is no evidence in the *Journal*, newspapers, or letters of the delegates to indicate that the election of judges by the people was an issue in the convention, though there was some precedent at the time. By an amendment to her constitution in 1812, Georgia had provided for the popular election of inferior judges, and in Indiana in 1816 a similar provision had been passed.<sup>49</sup> But delegates to the Alabama convention of 1819 believed that popular election of judges would strike at the independence of the judiciary. However, this matter became a leading issue

<sup>44</sup> *Journal of the Convention*, p. 24.

<sup>45</sup> In Tennessee, Kentucky, Louisiana, Maryland, Ohio, Illinois, Virginia, and Mississippi clerks of court were appointed by the respective courts. In North Carolina, South Carolina, and Vermont there were no constitutional provisions concerning the matter.

<sup>46</sup> *Journal of the Convention*, pp. 25, 27, 31.

<sup>47</sup> *Ibid.*, p. 29.

<sup>48</sup> Twelve of the eighteen votes came from nine counties with a population of less than 30 per cent slaves. Only three of these delegates voted against the amendment. Eight of twenty-nine delegates from counties with 30 per cent or more slaves voted for the measure.

<sup>49</sup> In Illinois, Ohio, Vermont, Mississippi, Tennessee, North Carolina, South Carolina, and Virginia they were elected by joint ballot of the legislature. In Kentucky, Louisiana, and Maryland they were appointed by the governor with the consent of the senate.

in Alabama politics soon after the constitution of 1819 was completed. In view of the criticism in recent years of the advanced age of judges, it is interesting to note that the convention adopted the section of the original report which forbade the appointment of a judge seventy or more years of age, or his continuance in office after having reached that age.<sup>50</sup>

An entire section of the constitution was given to education. Quoting the Northwest Ordinance, the article asserted that "schools and the means of education, shall forever be encouraged in this state." The enabling act gave a sixteenth section of land in every township to schools,<sup>51</sup> and the convention provided that the General Assembly of Alabama should pass laws to make certain that the lands were used for the object granted and to preserve these lands from "unnecessary waste and damage" and to protect the two sections of land given for a university. The convention struck out the provision in the original draft that none of the land given for a state university could be sold before 1825.

One of the most unusual features of the report of the Committee of Fifteen was the long and detailed division given to the establishment of banks. The economic situation in the country deeply impressed the delegates. Land speculation was rife. Lands near Cahaba in the Black Belt of Alabama had sold as high as \$150 an acre in 1818. Partly as a result of speculation, panic had struck the nation, especially the West, and many state banks that had taken land as collateral had collapsed. In an effort to prevent the recurrence of a similar situation in Alabama, the convention placed many restrictions on state banks. Only one could be established and the legislature could not create more than one branch at any one session, and this required a two-thirds vote. At least half

<sup>50</sup> *The Constitution of the State of Alabama, Adopted August 2d, 1819* (Huntsville, 1819), p. 16.

<sup>51</sup> See Francis N. Thorpe, *The Federal and State Constitutions, Colonial Charters, and other Organic Laws . . .* (Washington, 1909), I, 92-95.

of the minimum capital of \$100,000 had to be actually in hand before a bank could begin operation.<sup>52</sup> At least two-fifths of the capital stock was to be reserved for the state, and the state was to be given a proportionate control of the bank. Any bank that suspended specie payments would have to pay the holders of its notes 12 per cent interest, unless the General Assembly upon investigation should approve of its course.

Another unusual feature of the original report, which finally became a part of the Constitution of 1819, was the number of restrictions placed on slavery. Only the constitutions of Mississippi, Georgia, and Kentucky, each of which the Committee of Fifteen followed in some respect, had similar provisions. Both slavery and the rights of the slaves were guaranteed. The legislature was forbidden to free a slave without the consent of his owner. However, it was empowered to pass laws stating the conditions under which manumission might be permitted. The legislature could not prevent immigrants from bringing their slaves into the state so long as Alabama permitted slavery, but the importation of slaves as merchandise could be forbidden by the legislature.<sup>53</sup> Slaves guilty of high crimes in other states might be excluded from the state. Many provisions for the protection of the slaves were incorporated. The legislature was empowered to pass laws "to oblige the owners of slaves to treat them with humanity, to provide for them necessary food and clothing, to abstain from all injuries to them extending to life and limb," and no slave could be deprived of the right of trial by jury for crimes higher than that of petty larceny. One provision stated that "any person who shall maliciously dismember or deprive a slave of

<sup>52</sup> The original draft required a two-thirds vote for establishing the bank and its branches and stated that the entire capital stock should be in hand before the bank could begin operations.

<sup>53</sup> This provision was taken from the constitutions of Mississippi and Kentucky. No provision was included against the foreign slave trade, since that had been abolished nationally in 1808. The constitution of Georgia of 1798 had a provision against the foreign slave trade.



life, shall suffer such punishment as would be inflicted in case the like offence had been committed on a free white person." The section of the original draft which had stated that this clause was not to apply in the case of a slave who was accidentally killed during correction was stricken out, thus giving the slave even more protection. The clause, however, was not to apply in case of an insurrection. Altogether, these sections seem very liberal, when contrasted with constitutional provisions (or lack of them) for protecting slaves in other states.

The committee's report made no provision for calling a constitutional convention for future change in Alabama's organic law, but did outline a complicated process for amending the constitution. The legislature was required to pass a proposed amendment by a two-thirds vote and submit it to the voters in the next general election. If a majority of the voters for representatives approved the proposed amendment, it must secure a three-fourths majority of the following legislature. Only after it had overcome these hurdles did it become a part of the constitution. The convention adopted this plan after changing the three-fourths majority required of the legislature in the last stage to two-thirds, as proposed by Thomas Bibb.<sup>54</sup> Although complicated, this section is one of the first in the United States to give the people direct participation in the amending process.<sup>55</sup> The idea of two successive legislatures passing a proposed amendment by more than a mere majority vote was in the constitutions of Maryland, South Carolina, and Georgia, but the democratic idea of participation by the people is previously found only in the Illinois constitution of 1818,<sup>56</sup> and it is important to note that no Alabama legislature, operating under the 1819 constitution, ever turned down

<sup>54</sup> *Gazette*, August 25, 1819.

<sup>55</sup> See Walter F. Dodd, *The Revision and Amendment of State Constitutions* (Baltimore, 1910), p. 123.

<sup>56</sup> Thorpe, *op. cit.*, II, 1007.

a proposed amendment which had secured a majority vote of the people.

The Alabama Constitution of 1819 was not submitted to the people for ratification;<sup>57</sup> indeed, there is no evidence in the newspapers or the *Journal* that such a plan was considered. This is not surprising since none of the original southern states nor any of the new states had yet submitted a constitution to the approval of the people.<sup>58</sup> The enabling act for Alabama made no such requirement. In fact, that of Minnesota, in 1857, was the first to require submission of the constitution to the people.<sup>59</sup>

It is apparent that most of the changes made by the convention in the report of the Committee of Fifteen were basic and rendered the Alabama Constitution of 1819 a more democratic document. On July 26 the St. Stephens *Halcyon* reported that the original draft "would undergo great alterations. Most of the professional men were on the committee; but there are many objections raised by plain men, who though they make no figure in the house, are men of good sound sense and republican principles." These "plain men," mostly from the "white counties," abolished the militia qualification for suffrage, defeated the efforts of the planters to count three-fifths of the slaves as a basis of representation in the state legislature, reduced the minimum age for senator and representative, curtailed the power of the governor over legislation by allowing the legislature to pass a bill over his veto by a mere majority vote rather than a two-thirds vote, reduced residence requirements for voting and for election to the senate, and made the clerks of court elective by the people.

On August 2 all forty-four members of the convention signed the Constitution of 1819, and provided that an official

<sup>57</sup> *Ibid.*, I, 96, and Frederick L. Paxson, *History of the American Frontier, 1763-1893* (Boston and New York, 1924), p. 210, both erroneously state that the Alabama Constitution of 1819 was submitted to the people.

<sup>58</sup> Dodd, *op. cit.*, p. 65.

<sup>59</sup> *Ibid.*, p. 64.

copy of the document be made under the direction of President John W. Walker and "transmitted to the Congress of the United States."<sup>60</sup> Congress accepted the document by passing a resolution of admission on the first Monday in December, 1819. President Monroe signed it on December 14 and Alabama became a state on that day. The resolution declared the Alabama constitution to be "republican, and in conformity to the principles of the articles of compact between the original states and the people and states in the territory northwest of the river Ohio . . . so far as the same have been extended to the said territory by the articles of agreement between the United States and the state of Georgia."<sup>61</sup>

The Alabama Constitution of 1819 was definitely a mixture of liberalism and conservatism, the product of the past as well as a forerunner of the future. It was liberal in several particulars. There were no property, tax-paying, or militia qualifications for voting or for office holding. The people were given participation in the amending process. The white basis rather than the federal ratio was adopted as the basis of representation in the state legislature. The governor was made elective by the people instead of being elected by the legislature as in the old states, and sheriffs were made elective by the people instead of being appointed by the county court. The clerks of court were made elective by the people. Liberal clauses were included protecting the rights of slaves.

On the other hand, the document was basically conservative, when judged by the standards of frontier democracy a decade later. One of the tenets of this democracy was the election by the people of all their public officials. In Alabama the people could elect the executive, the legislature, the sheriffs, and clerks of court, but all other officials were appointed by joint vote of the legislature. Under the Constitu-

<sup>60</sup> *Journal of the Convention*, pp. 38-39.

<sup>61</sup> *United States Statutes at Large*, III, 608.

tion of 1819, once the people elected the legislature, government passed to a great extent into the hands of that body.

The article on the judiciary shows a basic conservatism. In speeches, articles, and editorials the leaders of the Alabama Territory had extolled the principle of an independent judiciary. The convention reflected that attitude and there was no effort to make even the inferior judges elective by the people. An effort to reduce their tenure from life to six years failed.

As one reads the first Alabama constitution and compares it with those of other states, one recognizes the influences of constitutions of other states and the workings of democracy on the frontier in which the creators found themselves. Constitution making among American states had become a constant process, each borrowing, adding to, and building on what others had done. Since Alabama had formerly been a part of the Mississippi Territory and since conditions in Alabama paralleled conditions there, it is not surprising that Alabama's constitution of 1819 was similar in many respects to that of Mississippi.<sup>62</sup> Its wording and form followed more nearly Mississippi's than that of any other state, but basically the two were quite different. Alabama's was much more democratic in such matters as suffrage, office holding, popular elections, protection of slaves, the amending process, religious restrictions, and education.

The Alabama Constitution of 1819 was the product of two factors at work in the state. One, the frontier, tended to bring all men to the same level, property or no property, social position or no social position. At the same time, and in spite of the youth of the state, there was in the Tennessee, Alabama and Lower Tombigbee River valleys already an aristocratic

<sup>62</sup> Albert B. Moore, *History of Alabama* (University, 1934), p. 101, states: "The constitution was strikingly like that of Mississippi and probably was patterned after it." Abernethy, *op. cit.*, p. 43, also states that it "was modeled largely after that of Mississippi."



element based on the plantation slavery system, an element largely composed of planters from Georgia, Virginia, the Carolinas and Tennessee. They were educated and well trained for leadership and already steeped in the plantation-slavery tradition when they reached the territory. They furnished the leadership of the convention and dominated the Committee of Fifteen which wrote the liberal original draft of the constitution. However, to the "plain men," those who came mostly from the "white counties," must go the credit for amending the document into an even more democratic constitution.

# Notes and Documents

THE CIVIL WAR LETTERS OF JOHN W. COTTON

Edited by LUCILLE GRIFFITH

Knoxville Tennessee June 22 1863 Dear wife it is again that I take my pencil in hand to rite you a few lines to try to let you here from me again I am well and doing well and I hope these lines may find you the same I hant herd from you since I rote before I am getting very anxious to here from you all again I no there has letters come for me but I hant been where I could get them I hant been with the company since we left James town we were ordered off from there in the nite and all of the disabled horses and footmen were left behind my horse wernt able to go with the company on a force march the yankeys got around us and got ahead of us and got to watburg and burnt our amunition before we found them out and they went from there to lanores station on the railroad and burnt up the depot and all of the cotton and tore up the track it is that they tuck 80 of our regiment prisoners and parolled them but I dont no who they were it was men that we left there when we started to kentucky and some of them run away and went back there the yankeys went from there to knoxville and our men run them off from there and they went on from there to wards the strawbery plains above and tore up the railroad and burnt a little bridge and I hant herd from them since but I think I will here from them befor I mail this letter our men is after them with a large force the report is that there is only about twenty five hundred of the yankeys they are takeing negroes horses and destroying every thing they can as they go I think if our men lets them get out of here unhurt they may as well quit I wish they would burn up all of east tennesse and blot it out of the Southern Confederacy nearly all of the yankeys that is down here was raised in this state<sup>40</sup> they are looking for reinforcements from above but I dont no whether they have got them or

<sup>40</sup> It is common knowledge that East Tennessee did not favor secession, and a mountain state similar to West Virginia would have been formed had it not been for the prompt action of the Confederate government. One historian says, "Bragg in Tennessee, like Washington before Philadelphia, was as much in the land of enemies as of friends and there were spies and tale-tellers on every side." (A. B. Moore, *Conscription and Conflict in the Confederacy*, New York: The Macmillan Co., 1924, p. 1948-149).

not they killed a citizen not fare below here they went in to his house and he resisted them and shot at them and they killed him if I could see you I could tell you a heap that I cant rite I mite set down and rite up quire of paper and then I could not tell you all then I cant think of all I want to rite no how you may still send your letters to kingston for I dont no where where we will stop I hant herd from asa but once since I left him at kingston June the 23 I am still well I saw mike last nite he was well he is camped not fare from me he is with there waggons there regiment and ourn is gone on after the yankeys I hant herd nothing from them yet it is thought that they have or will get out of the way before we can ham them in I dont no what to rite about it now but I will rite again soon if I get the chance I am in hopes that when the fuss is over and we get settled I will get to come hom I think we will have a chance to come home after horses I had to come back out of Kentucky without a horse it is the worst chance to get a horse in this country that ever I saw nothing more at present only I remain yours til death John W. Cotton

June the 23 1863 Mariah I will rite a little more I have just received a letter from you were very glad to here from you and to here that you were doing so well I would like to come home and see if you are doing as well as you say you do and get some milk and butter and honey and fried chicken to eat for we don get that here only as we buy it and it is very hy the most of our men has complained a heap of not getting a plenty to eat since we left kentucky there was three days that we did not draw any rashons but I never suffered I got something every-day I never suffer when there is anything in the country to eat we killed hogs dug irish potatoes and bought meal and I mad out very well and I stopped a sunday and got very good dinner I reckon we will draw a plenty rashons now you spoke of my close You need not bee uneasy about me I will try and get some before I get naked I thought I would not rite you about losing my close in the fite we had but I reckon you will here it any way I lost my saddle bags and my blanket you sent me I hated losing my blanket worse than I did my saddle bags but I hated losing all because they were things you had made for me you need not bee afraid I will get naked I will get close somehow or other I will have a good excuse now to come home I am doing as well as any body you ever saw away from home I do almost as I please I had to come out of kentucky without a horse but my same oald horse toats me yet but he is very pore and weak nothing

more I remain your true devoted friend til death John W. Cotton  
I hant herd from dock for some time

Camps near Childresses gap tennessee July the 9 63

Mariah dear wife it is again that I take my pen in hand to rite you a few more line to let you no that I am well and hope these few lines may find you all en joying the same blessing you must excuse me for not riting no sooner I would have rote when nancy left here but I thought she could tell you more than I could rite and I hant rote since for our officers has been trying to get some of us off home on a detail but they hant got us off yet but I think they will get us off yet for that is all of the chance for our regiment to mount themselves that is what the detail is for if it is made I will bee one of the men that will come home for my horse is no count and horses is very hy here and I reckon not very cheap at home mariah I hant got much to rite to you but if I could see you I could tell you a heap we are camped 11 miles north of knoxville but we will move in a few days on account of forage but we will not move very fare we will bee apt to stay around here some time if the yankeys dont make another rade on tennessee I have received a letter from you since nancy left here it was dated June the 18 you said you had a plenty of rain and your crop looked very well I hope you will bee able to make a good crop you said your were very good but wer bown down I hope they will straten up so they will do to cut I think you can make a good crop you can live another year I got a song ballet from you it is a very good peace of poetry I wouldnt take any thing for it it soots the times the best of any that I have seen I did not no that you had got to bee a poet<sup>41</sup> you said you rote it one nite after weaveing 7 yards of cloth I dont want you to kill your self at work Just because you can you had better work as you can stand it I would rite more if I did not think I would get to come home soon asa I reckon is at home I think we will get our detail yet but Colonel Slaughter says we shouldnt come home til we draw our money we may draw in a few days we have sent after our paroles nothing more only I remain you true devoted husband til death John W Cotton

Tennessee Camp near Loudon Aug 30th (1863)

Dear beloved wife and children

once more take my pen in hand to try to let you no that I am well

<sup>41</sup> Unfortunately this "song ballet" is missing.



and I hope these few lines may reach you the same I have not herd from you since I wrote before I have not got but one letter from you since I left home but every thing has been in such a stir that we have not got the mail regular we have moved three times since I rote my other letter we have been traveling nearly all of the time we are now in camp 4 miles below loudon we moved here this morning I dont know how long we will stay here our horses were inspected yesterday and a heap of our horses were condemed and turned over to the quarter master to sell and a heap of them pronounced not able for service and sent off to a paster to mend up my mule was sent with them its sholders were hurt with the saddle and it was lame footed they were all put in an old dry paster and a gard put own them they will perish if they dont feed them there is a talk of all that is dismounted being put in the infantry the men all swares that if they do put them in the infantry they will go home some left last nite colonel good says that his men shant bee treated in no such way he says he wont stay in the brigade no longer he was sent to Jacks borough to relieve a regiment and when he got there the regiment was gone and the town was full of yankeys and our men rode rite up to them in speaking distance before they found them out and they made a charge on our men and they broke to run and the yankeys after them and they run them about 10 miles and killed some of them and tuck some prisoners but we never lost maney out of our company I went with them he only had 75 or 80 men with him alfred deason run his horse til he died in the road they run their horses 15 miles they had like to have killed all of there horses some lost there hats guns blankets close and some there horses I herd that the yankeys is almost 15 miles of huntsville our men have give up huntsville and moved all of the government property out of it<sup>42</sup> they are planning for a big fite here at loudon there is a heap of troops here and they are still comeing on every train some think the big fite will be some where about Chattanooga I think if they will come here they will ketch a general flogging the most of us have gest been to the paster and got our horses since I commenced riting I aim to swop my mule off for a horse as soon as I get the chance I saw frank

<sup>42</sup> Huntsville, Alabama, was not completely evacuated until August 31, the next day, but rumors had been going for days that the "Feds" were leaving. For a very lively contemporary account of the period, see Mrs. W. D. Chadick, *Civil War Days in Huntsville, The Complete Diary of Mrs. W. D. Chadick*, The Huntsville Times, (N.d.). This diary begins April 11, 1862, when General Mitchell took possession of city, and continues to May 26, 1865.

worthen the other day and he said he was discharged and gone home he said John tramel was not very well they are going to move close to us dock hant come to us yet I hant herd from him since he was with the company I wrote to him but hant got no answer yet I want to here from home very bad and I am afraid that I will have to here that ann is no better but worse but I have to live in hopes that she is better and all of the rest well I wish I had some of your peach brandy to drink I think it would help me write how much you make I cant tell you what to do about hiring oald man kelly yet doctor moon has been here more than two weeks and he hant got his substitute in yet if our regiment gets out of the brigade I will try to put in a substitute the papers wont have to go no further then than colonel good now they have to go to general buckner nothing more J W Cotton

Calhoun Georgia September 11th 63

Dear beloved wife and children I will try to write you a few lines to let you know that I am well but very uneasy I have not herd from home yet I am very uneasy about ann and I cant hear from her I would be glad to here that she was well we have not got much mail in about a week and I dont know when we will get any I reckon not till the fight is over I expect it will be at Rome Georgia I am now at Calhoun on my way to Rome Rome is about 120 miles from home our whole army has left Tennessee but I herd this morning that Longstreet<sup>43</sup> had retaken Knoxville and 8,000 Yankees they are going to have a big fight soon and I think we will whip them there is a heap of soldiers deserting more Tennesseans than any body else there is 15 of our company deserted I cant write but little now for I hant got time I have only stopped to write I hope these few lines find you well and doing well I shall be uneasy about Ann until I hear that she is well direct your next letter to Rome Georgia I would love to see you all again already but dont be uneasy about me I think if we get whipped in this fight the war will soon end<sup>44</sup> nothing more at the present take good care of yourself till I come to see you again I will write again soon

John W. Cotton

Tennessee Camps 15 miles north west of Dalton 7 miles south of Ringgold September the 16. 1863 once more dear wife I take my pen in

<sup>43</sup> General James Longstreet.

<sup>44</sup> Although Cotton had not always been optimistic this is the first admission of possible defeat. On September 11, however, he was sure the Confederates would win.

hand to rite you a few lines to let you no that I have not herd from you all yet and I am very uneasy about home and about ann she may bee well or she may bee dead I cant here we dont get any mail at all nor I dont no when we will you dont no how bad I want to here from home we have been to rome since I rote to you we only stayed there one nite and were ordered back to dalton we stayed there all nite then come here we are 15 miles north west of dalton we stayed camped on the battle field where they had a fite last saturday<sup>45</sup> we lost 5 men and the yankeys 17 killed we taken some fifty prisoners we had only one regiment in the fite and I dont no how many yankeys we we whiped them they are about three miles from here now we expect to fite every day the first georgia had a skirmich with them today they tryed to take some yankey wagons but failed I expect we will bee into it before many days there will bee a big fite before many days some where between here and rome and I expect it will be the worst battle that has ever been fought in this war they say we have got the largest army there has ever been together since this was commenced and I feel confident that we will whip the fite if we do I think that it will bring about peace there has been several small fites with the cavalry and we have drove them back it was thought 3 days ago that they were retreeting back across tennessee river but they dont think so now we keep heering that longstreet have retaken knoxville and a number of prisoners if that is so it will help us out a heap I saw albert martin today he was well he says he wants me to get a transfer to his regiment I hant seen John Tramel yet I saw homes waldrop day before yesterday he was well albert martin says his wife has three children and dock<sup>46</sup> cant walk yet without his crutches but can ride anywhere he wants to he is overseeing for frank worthen and is getting along very well he told me that John Hindsman were dead he was killed at vixburg I had not herd of it before nor I dont no whether you have or not I rote to you that mike was discharged and gone home I hant herd from dock yet we have got only ten men here with us to go into a fite we have got fifteen gone home I am riting this letter but I dont no when I will get to send it I will try to send it off tomorrow asa blade says he is going to dalton tomorrow if he can get off I wish I had some of your good brandy to drink I think it would help my feelings and maby I wouldnt study so much about home but if I could only here from home it would help

<sup>45</sup> This battle is not recorded in the official records.

<sup>46</sup> It is difficult to keep up with "Dock's" location but he seems to be in Georgia here.

me more than brandy I would like to no how things is going on in general how your hogs is doing and how manuel is getting on pulling fodder and how much brandy you maid and whether par had to pay tax for stilling not who paid it and how much he charged you for stilling your peaches these lines leave me well but very uneasy I hope when they come to hand they may find you all well and enjoying your selves very well mariaah dont bee uneasy about me but if I should get into a battle and get killed do the best you can for yourself and the children but I hope to live to see this war ended and return home to you and your dear little ones and that we may live a long and happy life and that I may live to bee a beter man nothing more at present

John W Cotton

send your letters to dalton georgia and maby they will follow us  
Camps near Chattanooga September the 24. 63

Dear beloved wife and children I again take my pen in hand try to rite you a few lines to let you no that I am well and still alive and live in hopes that these lines may reach you the same I hant got but little time to rite our adjutant is going to dalton and I will try to send this by him I reckon you will here of the big battle<sup>47</sup> we have had before you get this letter I hant got time to rite much about it now but we have given them the worst whipping they ever had so ther prisoner say we have run them all out of georgia and they have run them all across the tennessee but one corpse they say they will have to cross but they say they are in there fort at chattanooga and will give us another fite be fore they cross our cavalry cant do not more good here so we will go back to east tennessee I think in a few days if we dont start today I here that our men has whipped them there they will all have to go back to kentucky the fite has been going on 6 days and is still going on our regiment has been into it and around where they were fiting all the time we brought on the fite saturday morning but our regiment hant lost but few men our company hant lost nary man killed or wounded but I cant see how we all escaped we were suppoting a battery on sunday evening and the yankeys commenced a cross fire on it and the grape shot shells fell around us like hail but we got behind trees and places so none of us did not get hurt they shot off three horses lags clost to us and killed one man and wounded one if I could

<sup>47</sup> The battle at Chickamauga, Georgia, was fought on September 19-20 (*Official Records*, Series XXX, part I).



tell you all I have seen it would make your heart ache to think of it but I could not tell if half as bad as it is nothing more at present

John W Cotton

Tennessee Camps near Chattanooga September the 29. 1863

Dear and most beloved wife and family I once more take my pen in hand to try to rite you a few more lines to try to let you no where I am and what I am doing I am well and doing as well as any can in the place I am in our regiment is in site of the yankeys all the time and have been for fore days they are in there brest works here at chattanooga<sup>48</sup> and we are standing picket around them in gun shot of them and we have some fireing backwards and forwards at them but they wont come out nor we wont go to them our men are planting there cannons as fast as they can to try to shell them out of there brest works but I dont no how they will come out we have got the advantage of a big hill to shell them from and the lookout mountain we can here there drums and fifes and horns and here them crossing the river on there pontoon bridge and we can go out on a big hill and see all over there fortifications and them too they say that there is a heap of our forces crossing the river to cut them off from there pervisions but I dont no how many I think ould brag is trying to get them out of chattanooga without a fite if he can it will bee the best for if we have to whip them out we will loose a many a man and mayby get whiped I think they are fortifying on the other side of the river it may bee some time before we get them away from here if we get them away at all I wish you could bee here to see them and there fortifications there hant been no fiting here only picket fiting in about five days and they say our men has got 150 canons planted to shell the yankeys out of town and I herd that they wer a going to commence shelling them today at 9 oclock but they hant commenced it yet I reckon we will leave here and let the infantry take our place there is a heap more cavalry here besides our regiment I stood picket the other nite in shooting distance of the yankeys there was three of us on the same post and one stood while the others slept the yankeys say we have whiped them the worst they ever have been I reckon I have said enough about the yankeys I had rather reed a letter from you than rite about them a weak I have not got nary letter from you yet and there ant no use in

<sup>48</sup> General Bragg was severely censured for his handling of the Chickamauga and Chattanooga campaigns. See Horn, *Army of Tennessee*, chapter V and *Official Records*, Series XXX, Part II.

trying to tell how bad I want to here from you all I want to here whether you have got manuel for another year or not and how you are all getting on in general and if you can hire ould man kelly or not to take my place if you could I would try to find out whether he would bee received or not before he come but there will be no chance to get him in til this fierse is over if at all I wish I had some of your brandy here I could sell it at any price I would ask for it I have swaped my little mule a way and got a fine young iron gray horse 4 years ould and give \$175 to boot you ort to see him I think if we both live til the war ends I will bring him home but I am afraid it will be a long time yet I saw John tramel the other day and he said mike was comeing back to his company phelix got him a substitute and went to the infantry and they told him they would receive his substitute and they mustered him in and his substitute was not received and he is in the infantry yet and was taken prisoner at cumberland gap I dont no what to rite unless I could here from you direct your next letter to tennessee Chickamogga station nothing more at present only I remain your true devoted husband til death dont bee uneasy about me

John W Cotton

Tennessee Chicamauga Creek Oct 5th 1863

dear beloved wife I have received a letter from you at last I was extremely glad to here from you all but it gave me much dessatisfaction to here that you had been sick but was glad to here that you was better and I was glad to here that ann had got well you never said what ailded you nor ann I would like to no what ailded you both I am afraid you wont take as much care of yourself as you ort to I dont want you to expose yourself no more than you can help keep out of the dew and rain and coalds we have some very coal weather here for the season we had a killing frost the 20 and 21 of october and we are having some frost now you never said anything about hireing manuel I would bee glad of your hireing him I want you to hire him let the price bee what it may I was sorry to here of your loosing so many of your hogs but was glad it wernt no worse I think you got a good price for your cow you said you wanted to no whether you must kill that steer or sell him if you need the beef kill him if you dont sell him rite to me whether the concript will take par or not they say here that it takes all up to fifty and down to 17 for confederate service and

from 50 to 60 for state service<sup>49</sup> and I want you to tell me how much tax you have to pay you said you could not sell the brandy without paying tax on it if you do not need money keep it and maybe I will get the chance to sell it myself there is talk of colonel slaughter drawing his batallion from the regiment and moving it to talladega but that is too good nuse to bee sow but him and good is very much at outs I reckon you have not forgot where I told you to have wheat soad have it soad the last of this month if you can the letter I get was dated the 26 of september these few liens leave me well but uneasy about you I would bee better satisfied if I new what ailded you<sup>50</sup> I hope these lines may reach you soon and find you improving and all of the rest well I am glad you have weaned little ginea I would love to be at home the best you ever saw but there is no chance to come home now rite often and let me no how you are getting on we are expecting a fite here every day oald brag is still planting his canon<sup>51</sup> to shell the yankeys out of chattanooga we wont have anything to do with it til they get them out of town nothing more at present

John W Cotton

Tennessee Chicanorga Camps October 11th 1863

Most dear beloved wife I this eavning take the pleasure of riting you a few lines to try to let you no that I am well and hope these lines may reach you in due time and find you all well and doing well Mariah I hope you are still on the mend and if not well soon will bee I hope you will not expose yourself so as not to make against you I want to here from you very bad I have got but the one letter from you yet but am looking for another everyday I am very uneasy about you and will bee until I here that you are well I no from the way you rote before that you were not out of danger I was very well satisfied about home until I herd that you and ann was sick I am afraid the next time I here from home some of the rest of you will be sick you said you wanted me to rite whether I wanted you to make me any close or not I dont want you to make me any I have got a plenty and when they wear out I will draw more I can draw them cheaper than you can make them and I think you have got as many at home as you can make for

<sup>49</sup> The second conscription act changed the ages from 18 to 35 to 17 to 45 and not 50, as Cotton says here. As he says here those above 45 were liable to state service. His father, Cary Cotton, was born in 1802 so he is now 61.

<sup>50</sup> As is revealed later (October 28) Mrs. Cotton was pregnant.

<sup>51</sup> He probably refers to Lookout Mountain.

any how I hant got no nuse to rite to you only I herd the report of canon on the other side of the river this morning I suppose some of our men has gone around and got in the rear of the yankeys and they were fiting but the firing has seased or gone out of hearing everything is still at chattanooga we are about three miles from chattanooga picketing on the river to keep the yankeys from crossing and they are picketing the other side to keep us from crossing Mike nor dock hant come back yet some of our men that run away and went home has got back and we here that some of them are on the way I think the most of them will come back I would like to no whether you have got manuel for another year or not and whether you hogs that is alive lookes like they will ever be any account or not but above all I would rather here how you are getting nothing more at present I remain your true devoted husband til death John W Cotton

them notes of oald Stephen Thomases I want you to give to par or some body else to collect them if he hant paid them Can oald sweat or little giney talk yet

Tennessee Camp near Chattanooga Oct the 19th 1863

Mariah Dear beloved wife and children I again take my pen in hand to try to rite you a few lines to let you no that I am well all but a little touch of the diarhea I hope these few lines may reach you in diew time and find you all well it is strange to me that I cant get a letter from you I have only got one from you yet it was mailed the 26 of September we send off mail every day but dont get any hardly I dont no what becomes of them for I no you rite to me I would give any thing to here from you again I want to no how you are getting along I am afraid you hant got well yet and I am afraid that some of the other children has been sick since I herd from home Asa has got back to the company again he says he dont get no letter neither he is well I dont no what to rite unless I could here from home I have got a stray mule that I tuck up on picket two weaks (I will send you a pen) agao if the owner dont come and get it I will let Asa have it he is riding it now it is worth fore hundred dollars I think it is a government mule but it is not branded I dont think there is any danger of the owner comeing after it there was two horses with it and they come and got them and never said any thing about the mule times are stil here yet there is no fiting going on yet 10 of our men swam across the tennessee river and caught two yankey carriers and a dispatch and it said so I her that if they did not get reinforcements in 10 days they would

have to fall back from chattanooga we moved back nite before last to there brestworks to stand picket round them we stand in two or three hundred yard of them in an ope oald field direct your next letter to chattanooga and maby I will get them oald good is gone home on a furlow I here that he is going to see the govner of georgia and try to git to go down in georgia to gard some salt works nothing more John W. Cotton

Tennessee Camps near Chattanooga October the 25. 63

Dearest and most dily beloved wife again I take my pen in hand to try to rite you a few lines to try to let you no that I am well and hop these few lines may come to hand and find you all well and doing well I was glad to reed a letter from nan to asa she said she was at your house and you were all well except bad colds you had better believe that I was glad to here that you had got well she said Mike and Sally<sup>52</sup> was at your house that was something that I did not expect to here of I reckon it done you a rite smart of good to see them come I like to have been at home when they comed I have not got nary letter from you yet but I keep looking for one every day for we have an every day mail I would like to bee at home now to help saw wheat and gather corn and see to things in general I would bee glad to no whether you have hired manuel yet or not I had rather you would buy him for I think you could raise money enough to pay for him tell me how much corn you make and how much you have to give to the government<sup>53</sup> and rite all of the nuse and rite how sack<sup>54</sup> likes alabama and how she thinks you are getting along and tell me all you can think of and so on we have had a site of rain for the last fore or five weeks our camps are very muddy but apart of our regiment has left here this morning for harison 10 miles from here our squadron is left here to stand picket three days the then we are going and one of the other squadron will come here to take our place we are still clost to them but they are very peaceable they threw a few shells at our infantry a few days ago ould general brag has issued an order and says that he will give any man a 40 day furlow if he will a a recruit to his company

<sup>52</sup> This must be Mrs. Cotton's brother and sister.

<sup>53</sup> On July 1, 1863, a tax of 8 per cent on all agricultural products was passed (See Fleming, *op. cit.*, 172).

<sup>54</sup> "Sack" and "Sally" are used interchangeably. Both Mr. and Mrs. Cotton had a sister Nancy and a sister Sarah, probably on both sides named for the same people. Their grandmother Cotton was named Sarah and her husband was Weaver Cotton (Deed Book E. [Coweta County] p. 72, settlement of the estate of Weaver Cotton).



I want you to see fil coker and see if he intends to come to our company and if he does tell him I want him to come as a recruit for so I can get a furlow and I will do all I can for him in any way possible and bee more than fifteen hundred times abliged to him if he does come to go to goodgame and have his name inrolled and get a showing from him so that he wont bee bothered on his way up here tell him he well never find a better regiment nor one that has more privilege nothing more at present only I remain your affectionate husband til death John W. Cotton to his wife and children I love to bee at home a while and I would like better to bee at home all the time ould Jef davis has been up here and made a speech and said peace would bee made in six months<sup>55</sup>

Tennessee Camps near Chicamatiga October 28 1863

Dear beloved wife and children I take my pen in hand this morning to try to ancer your kind letter which I received last nite it was dated the 20 it gave me much pleasure to here from you and to here the children were all well and it gives me much displeasure to here of your sickness and to here what caused it I was a little astonished to here of your undertaking to throw up fodder and you in the condition you were in it looks like you mite have nown it would have hurt you but you will always do too much but I hope you will do less hereafter and take better care of yourself these lines leave me well and I hope they may reach you in dieu time and find you all well and doing well you said you had not hired manuel yet but you herd he was to hire if he is I think you can hire him you said you had paid part of your tax I think they are very hy and it looks hart too to think a soldier that has to hire a crop made has to give a tenth of it to the government and him in the field fiting to sustain it but if the tax would sustain it I would be willing to pay as much more you rote to me about oald man kelley substituting for me I talked to the captain this morning and he says he thinks it will bee a bad chance for me to put him in as all the big officers is down upon substituting but colonel good is at home now but he will be back in a few days and I will see him or get the captain to see him about it and I will rite all about it I did

<sup>55</sup> One of the stock criticisms against Jefferson Davis as president of the Confederacy is that he constantly interfered with military operations by giving direct orders and by visiting fields of operation. This change is denied by Rembert W. Patrick in *Jefferson Davis and His Cabinet* (L.S.U. Press, 1944) but he does say that Davis "save for a few instances never visited a battlefield except upon the invitation of the commanding officer." (p. 32.)

not understand from your letter whether he was willing to come for during the war at the rates of seven hundred dollars for six months or for just a few months we have moved out from chattanooga so we will be more handy to forage but we send one squadron in at a time to stand gard and it stays three days at a time the pickets got to fiting and the yankeys come out of the brestworks and our men it is said whiped them back but I ant herd with what result our squadron has just left while they were fiting the fite was on the fur side of the brestworks from us none of our regiment went in it nothing more at present only I remain your true devoted husband til death J. W. Cotton

rite in your next letter if vardiman and them is making whiskey and if any body else is making any and what the tax is one making whiskey and if the law allows them to make it now I dont want you to make me any close til I rite for them if I need them I will draw them Can Sweet and Jiney talk yet

## Book Reviews

*Woman's Surgeon: The Life Story of J. Marion Sims.* By Seale Harris, M.D., with the collaboration of Frances Williams Browin. New York: The Macmillan Co., 1950. xx, 452 pp. \$5.00.

In *Woman's Surgeon* Dr. Seale Harris describes his subject, Dr. J. Marion Sims, as one of those rare persons who are great practitioners and great discoverers at the same time. When Sims died in 1883, his fame was established on two continents as one who had wrought an immense change in the health and life-expectancy of millions of women. Indeed, it is said that Sims added more to the basic knowledge of female medicine and surgery in three or four decades than had been accumulated in all the thousands of years preceding. Out of his triumphs, his teachings, his errors, and his squabbles, the modern specialty of surgical gynecology was born.

Sims was born of poor, obscure parents at Hanging Rock, South Carolina, January 25, 1813. He attended the South Carolina College at Columbia and the Charleston Medical School where, under the tutelage of Dr. Philip Prioleau, he first became interested in obstetrics and the ailments of women—subjects for which most students and their elders of the day felt a marked disdain. The lecture course at Charleston was followed by work at the newly-founded Jefferson Medical College at Philadelphia.

At twenty-two Sims began his professional career in Lancaster, South Carolina, where his short sojourn was one of struggle and failure. He moved to Mount Meigs, Alabama, and thence to the Cubahatchee Creek region of Macon County, where he laboured diligently as a country doctor, attending to the slaves, doing his best to stay the irresistible tide of malaria, and learning how little both he and his contemporaries knew about their profession. In 1840 he became a resident of Montgomery, then a town of but 4,000 inhabitants. A skillful hare-lip operation brought him more than local renown and he began writing for medical journals. Bad health, however, blocked his progress and, finding that he needed a complete change of climate, in 1853 he moved with his wife and six children to New York City.

At that time New York had only one woman doctor—Elizabeth Blackwell, the first feminine physician in America. She was having a difficult time obtaining recognition; and she had neither the prestige

nor the means to help Sims in the project which he soon conceived and inaugurated—a hospital for women. From the older practitioners of the city little aid was to be expected. Sims' proposal was greeted with indifference and suspicion. Undaunted, however, he founded the New York Woman's Hospital, at first a four-story house on Madison Avenue with forty beds, sufficient to accommodate women of all grades of society and suffering from "diseases peculiar to women." In spite of hostile criticism and pronounced opposition, the work gained headway and in 1857 "The Woman's Hospital in the State of New York" received its charter of incorporation.

In 1861 Sims visited Dublin, Edinburgh, London, and Paris, inspecting hospitals and meeting many eminent surgeons. On his return to New York, however, he discovered that the passions of the American Civil War would make his life difficult and unpleasant and he decided to move to Europe, where he would be absent from conflicting loyalties and hatreds.

Returning to America after an absence of some nine years, Sims found that many of his friends had died and that his old colleagues were resentful of his reputation. At a board meeting of the Woman's Hospital he denounced certain policies which had been established during his absence and gave great offence by his utterances. As a result, his resignation was accepted—a very humiliating and painful experience.

The remaining years of his life were spent in travel, study, and writing. In 1877 with difficulty he introduced to the readers of medical lore the claim of Crawford W. Long, of Georgia, to recognition as the first man to employ ether in surgical operations. Certain unhappy controversies with former colleagues on the staff of the Woman's Hospital brought bitterness and unpleasantness to Sims' declining years. Honors came his way, however, and after his death he was accorded the highest praise by the very men who had opposed him.

Readers the world around will long be indebted to Alabama's Dr. Seale Harris for having so expertly combined his medical, literary and historical talents to tell the story of one of the most noted surgeons of all time. The volume is well written and abounds in local color and personal anecdotes. With the true insight of a physician the author has assured the continuing recognition of his famous predecessor in the annals of Alabama medicine.

EDGAR LEGARE PENNINGTON  
*Mobile, Alabama*

*Slavery in Alabama.* By James Benson Sellers. University, Alabama: University of Alabama Press, 1950. xvi, 426 pp. \$4.00.

Of the making of books on slavery in the ante-bellum South there seems to be no end, nor should there be until the subject has been exhausted, geographically and topically, and some master craftsman integrates the monographs of scores of scholars into a definitive synthesis. Professor Sellers' *Slavery in Alabama* accomplishes for another state what Charles S. Sydnor contributed in *Slavery in Mississippi*, Ralph B. Flanders in *Plantation Slavery in Georgia*, and other historians in slavery monographs on selected topics or regions. The fact that there is nothing startlingly new in Professor Sellers' study in no wise lessens its significance or usefulness. Until authentic, detailed accounts are available for all parts of the South, no one can say definitely what was usual and what was unique in southern slavery.

After a brief account of slavery in the colonial and territorial periods, three chapters are built around the plantation, with planters, overseers, and slaves serving as unifying themes. Separate chapters are devoted to the slave trade, urban and hired slaves, legal status, crimes and punishments, runaways, the church and the slave, and the southern defense of slavery. A final chapter treats the free Negro in Alabama to the close of the Civil War. Particularly welcome are the discussions of the medical care of slaves, the informal education provided for some of them, the interest of religious bodies in their welfare, and the slave trade.

If Professor Sellers' work has a meritorious quality that transcends all others, it is the author's tireless search for evidence. It would be difficult to think of many aspects of slavery upon which he has not discovered a plethora of documentary material. Federal and state documents, the files of thirty newspapers, printed and manuscript church records, more than a score of private manuscript collections, and most of the pertinent secondary accounts have been used. But the distinguishing feature of his research is the wealth of data drawn from county and city records. Despite multiple illustration of every minute aspect of slavery treated in the volume, the reader is aware that the author has in reserve a great mass of data which could not be used directly, but which promotes authenticity of his conclusions.

If the work has a major defect, it lies in the author's inability to integrate his material into a readable narrative, particularly in the first half of the volume. The style is not pedestrian, but the load



which it carries is heavy. The work will not have to be done again; so far as Alabama is concerned, the story is as complete as it need be. One could wish it were more palatable.

WENDELL H. STEPHENSON  
*Tulane University*

*Red Bone Woman*. By Carlyle Tillery. New York: The John Day Company, 1950. 314 pp. \$3.00.

*Red Bone Woman*, a first novel by Carlyle Tillery, one of Hudson Strode's students at the University of Alabama, strikes directly at the heart of an entirely new field of Southern fiction—the "Red Bones" of Louisiana. These people, vaguely known to but few readers, are supposed to be either part Indian or part Negro, although they themselves proudly claim their ancestry part Spanish. In any case they are strange, new entries into American regional literature and, as their Maecenas, Carlyle Tillery has done an original, honest and not infrequently beautiful bit of writing.

In his simple, homespun plot Tillery has Tempie, a young, attractive but illiterate Red Bone woman, marry a widower of a good white family and with him raise a family which they successfully pass as white children. But it is not the plot that makes the novel. Rather, the author's keen eye for character and description, for subtle details and sly humor are his strength. It would be most difficult to find another work which so carefully depicts farm life and customs. The book fairly smells of the soil and the plain folk who till it.

In *Red Bone Woman* the Deep South has a new and serious spokesman. Tillery is fresh talent. His work is an accomplishment, one that augurs well for the future. He should write more, and soon.

And since *Red Bone Woman* is the twenty-first novel from Mr. Strode's classes to be published, one might add that the professor's courses in creative writing have now most definitely come of age.

W. STANLEY HOOLE  
*University of Alabama*

# News and Notices

ARTICLES ON OR RELATED TO ALABAMA APPEARING  
IN CURRENT PERIODICALS

This annotated check list of articles on or related to Alabama has been compiled by four members of the Editorial Board: Weymouth T. Jordan (Florida State University), Leon F. Sensabaugh (Birmingham-Southern College), Rhoda C. Ellison (Huntingdon College), and Charles G. Summersell (University of Alabama).

Alexander, Thomas B. "Kukluxism in Tennessee, 1865-1869." *Tennessee Historical Quarterly*, VIII, 195-219 (September, 1949).

An account of the rise and fall of the original Ku Klux Klan movement in Tennessee, from which it spread elsewhere throughout the South.

Auken, Sheldon Van. "A Century of the Southern Plantation." *Virginia Magazine of History and Biography*, LVIII, 356-387 (July, 1950).

South generally, including Alabama.

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Genealogy of Arthur Sinclair, a lieutenant under Semmes on the *C. S. S. Alabama*.

Bowie, Ben. "The Southern Claims Commission, 1871-1880." *Journal of Mississippi History*, XII, 105-115 (April, 1950).

Post-war claims against the government, principally from Mississippi, but incidentally from other states as well.

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Bryan, T. Conn. "The Churches in Georgia during the Civil War." *Georgia Historical Quarterly*, XXXIII, 283-302 (December, 1949).

A study of the religious life of Georgia and of some Alabamians near the Georgia-Alabama line, with emphasis upon Methodists and Baptists.

Campbell, T. N. See A. L. Bradford.

Carter, Hodding. "The Broadsword Virtues." *Virginia Quarterly Review*, XXV, 489-499 (Autumn, 1949).

A eulogy on the homogeneity and the resulting unity and even clannishness of Southern communities, illustrated from the author's experiences in Greenville, Mississippi.

Chappell, Gordon T. "Some Patterns of Land Speculation in the Old Southwest." *Journal of Southern History*, XV, 463-477 (November, 1949).

Considerable space given to the methods of land speculation and the areas under speculation in Alabama. The article deals largely with Alabama.

Clapp, Gordon R. "National Dividends from the Tennessee Valley." *South Atlantic Quarterly*, XLIX, 1-7 (January, 1950).

An account of the profits that T. V. A. has made both for the seven states of which it is a part and for the nation.

Collier, James M. and John J. George. "The Supreme Court and Racial Segregation in Education." *South Atlantic Quarterly*, XLVIII, 521-528 (October, 1949).

A review of Supreme Court decisions concerning racial segregation in the schools, stressing the shift from conservative opinion since the early 1930's.

Couch, W. T. "Twenty Years of Southern Publishing." *Virginia Quarterly Review*, XXVI, 171-185 (Spring, 1950).

The struggles of the University of North Carolina Press to attain financial independence and "to get Southern people to thinking and particularly to rouse conservatism from its lethargy."

Davis, Frank B. "Debating in the Literary Societies of Selected Southern Universities." *Southern Speech Journal*, XV, 91-99 (December, 1949).

The institutions considered are the four oldest state universities of the Lower South, Georgia, South Carolina, Alabama, and Mississippi.

Dunkel, Wilbur D. "Ellen Kean's Appraisal of American Playgoers." *American Literature*, XXII, 163-166 (May, 1950).

The English actress's report on the limitations of American playgoers and dramatic critics in 1846-1847.

Frohock, W. M. "William Faulkner." *Southwest Review*, XXXIV, 281-294 (Summer, 1949).

Discusses Faulkner and his writings.

George, John J. See James M. Collier.

Getchell, Charles M. "Southern Graduate Study in Speech and Theatre Before 1941." *Southern Speech Journal*, XV, 222-229 (March, 1950).

Lists studies made in various Southern states and numbers at least five from University of Alabama but majority from Louisiana State University.

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"Southern Graduate Study in Speech and Theatre from 1941 to 1950." *Southern Speech Journal*, XV, 297-305 (May, 1950).

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Grantham, Dewey W., Jr. "The White Primary and the Supreme Court." *South Atlantic Quarterly*, XLVIII, 529-538 (October, 1949).

A review of Supreme Court decisions concerning the Negro's right to vote in a Democratic primary, explaining the gradual extinction of "white primary."

Graves, John Temple. "Revolution in the South." *Virginia Quarterly Review*, XXVI, 190-203 (Spring, 1950).

A defense of the Dixiecrat movement.

Holtman, Robert B. "The Negro from North to South." *Southern Speech Journal*, XV, 263-269 (May, 1950).

Very general.

Hubbell, Jay B. "The Old South in Literary Histories." *South Atlantic Quarterly*, XLVIII, 452-467 (July, 1949).

An indictment of American literary histories, especially the recent *Literary History of the United States* by Spiller, Thorpe, Johnson and Canby, for inadequate and inaccurate treatment of Southern writers before the Civil War.

Johnson, Ethel M. "Country School Ma'am of the Olden Days." *South Atlantic Quarterly*, XLVIII, 373-383 (July, 1949).

Although based on experiences in New England, characteristics of rural teaching conditions in the South also reflected.

Jones, Sam H. "A Solution for the American Negro Problem." *Tyler's Quarterly Historical and Genealogical Magazine*, XXXI, 100-107 (October, 1949).

The whole South and the Negro problem.

Kefauver, Estes. "Political Competition Will Help the South." *Virginia Quarterly Review*, XXVI, 268-276 (Spring, 1950).

Advocacy of a strong two-party system in the South by the junior senator from Tennessee, who quotes the junior senator from Alabama concerning presidential candidates' neglect of Alabama.

King, George H. S. "Copies of Extant Wills from Counties Whose Records Have Been Destroyed." *Tyler's Quarterly Historical and Genealogical Magazine*, XXXI, 180-187 (January, 1950).

List descendants who moved to Alabama.

McDavid, Raven I., Jr. "Application of the *Linguistic Atlas* Method to Dialect Study in the South-Central Area." *Southern Speech Journal*, XV, 1-9 (September, 1949).

McGroarty, William Buckner. "Major Andrew Ellicott and Historic Border Lines." *Virginia Magazine of History and Biography*, LVIII, 98-111 (January, 1950).

Ellicott surveyed the 31st parallel which runs through what is now the state of Alabama.

Mason, Mason Jordan. "Dale Heiner Speaking Plain." *Southwest Review*, XXXV, 178 (Summer, 1950).

A poem about a backwoodsman in Alabama.

"In Memorium Associate Professor Helen Osband." *Southern Speech Journal*, XIV, 289 (March, 1949).

Elizabeth Coleman, Ann Pannell, and T. Earle Johnson, of the University of Alabama faculty, pay tribute to their former colleague.

Morris, Richard B. "Andrew Jackson, Strikebreaker." *American Historical Review*, LV, 54-68 (October, 1949).

An account of Jackson's use of federal troops "to help capital throttle labor" in the Chesapeake and Ohio Canal strike of 1834—



part of a broader investigation that the author is making into the nature of labor controls in the slave states.

Nixon, H. C. "Southern Regionalism Limited." *Virginia Quarterly Review*, XXVI, 161-170 (Spring, 1950).

A discussion of "the march of the New Democracy in the South," the extent to which it has been impeded by lags in legislative reapportionment and assisted by certain Southerners including the present governor of Alabama.

Parenton, Vernon J. "Socio-Psychological Integration in a Rural French-Speaking Section of Louisiana." *Southwestern Social Science Quarterly*, XXX, 188-195 (December, 1949).

Concerns the Bayou Lafourche section of South Louisiana.

Phelps, Dawson A. "Stands and Travel Accommodations on the Natchez Trace." *Journal of Mississippi History*, XI, 1-54 (January, 1949).

The Natchez Trace ran through Alabama on its way to Natchez from Nashville.

Porter, Kenneth W. "Negroes and Indians on the Texas Frontier, 1834-1874." *Southwestern Historical Quarterly*, LIII, 151-163 (October, 1949).

Posey, Walter B. "The Slavery Question in the Presbyterian Church in the Old Southwest." *Journal of Southern History*. XV, 311-324 (August, 1949).

Only a few references to action taken by Presbyterian groups in Alabama. These moves deplored the action of the abolitionists.

Potts, Charles S. "The Electoral College and the Will of the People." *Southwest Review*, XXXIV, 371-379 (Autumn, 1949).

Discusses Electoral College, Dixiecrats, and Solid South.

"The Proposed Memorial to General Robert Edward Lee in the Washington Cathedral." *Virginia Magazine of History and Biography*, LVII, 301-306 (July, 1949).

Tells of work of Mrs. L. M. Bashinsky of Alabama U. D. C. on this project.

Reddick, Glenn E. "When the Southern Senators Said Farewell." *Southern Speech Journal*, XV, 169-197 (March, 1950).

Tells of the farewell speeches of Southern senators in 1861 in various Southern states, including Alabama. Gives quite a bit on

Senator Clement Clay and Senator Benjamin Fitzpatrick of Alabama.

Royster, Myrtle. "Forbidden Fruit." *Southwest Review*, XXXIV, 387-389 (Autumn, 1949).

A Georgia Negro woman tells of living in Minnesota as the only colored family for miles around.

Shaw, Arthur M. "In Defense of Monuments." *Southwest Review*, XXXIV, 390-394 (Autumn, 1949).

Discusses monuments in the South and mentions Mobile, Montgomery, and also other Southern cities.

Sigaud, Louis A. "Tried and Not Found Wanting." *Tyler's Quarterly Historical and Genealogical Magazine*, XXXI, 225-252 (April, 1950).

Presents facts tending to show that Burr was not guilty of treason.

Smith, Ethel Marion. "Clover Hill Early History of an Old Appomattox Landmark." *Virginia Magazine of History and Biography*, LVII, 269-273 (July, 1949).

Some genealogical observations trace descendants to Alabama and other Southern states.

Somit, Albert. "Andrew Jackson as Political Theorist." *Tennessee Historical Quarterly*, VIII, 99-126 (June, 1949).

A survey of Andrew Jackson's concern with practical applications of Jefferson's political theories.

Stevenson, Elizabeth. "Southern Manners." *South Atlantic Quarterly*, XLVIII, 507-520 (October, 1949).

A discussion of Southerners' attitude toward the "wall" of racial segregation—"if less than perfect physically, . . . almost perfect spiritually."

Toulmin, Harry. "Comments on America and Kentucky, 1793-1802." *Register of Kentucky Historical Society*, XLVII, 3-20, 97-115 (January, April, 1949).

Descriptions of the early Old Southwest by a forebear of an outstanding Alabama family.

Webb, Walter P. "How the Republican Party Lost Its Future," *Southwest Review*, XXXIV, 329-339 (Autumn, 1949).

The political South as a whole.

Wiley, Bell. "The Movement to Humanize the Institution of Slavery during the Confederacy." *Emory University Quarterly*, V, 207-220 (December, 1949).

Only two brief references to action taken by the Alabama Baptist Convention of 1863 favoring more moral culture for the slaves and the Alabama law of 1863 providing for more adequate legal defense for the slaves.

Williams, Jack K. "Travel in Ante-bellum Georgia as Recorded by English Visitors." *Georgia Historical Quarterly*, XXXIII, 191-205 (September, 1949).

A brief discussion of English travelers in Georgia, many of whom were enroute to Alabama.

Young, James Harvey. "Patent Medicines in the Early Nineteenth Century." *South Atlantic Quarterly*, XLVIII, 557-565 (October, 1949).

The extravagant claims made over a century ago for quack nostrums, for example Garlegant's Balsam of Health, alleged by its purveyors to be an unparalleled success in Alabama.

Young, Jo. "The Battle of Sabine Pass." *Southwestern Historical Quarterly*, LII, 398-409 (April, 1949).

Naval battle, September 8, 1863, with map.

Young, Stark. "From a Book of Memories." *Virginia Quarterly Review*, XXVI, 261-267 (Spring, 1950).

Character sketch of the author's Aunt Julia, one of the tribe of Mississippi McGehees, many of whom now reside in Alabama.

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Devotees and collectors will find Richard B. Harwell's *Confederate Music*, recently issued by the University of North Carolina Press, a source of much pleasure and usefulness. The firm of S. H. Goetzel of Mobile plays an important part in the study. Mr. Harwell's "Confederate Carrousel: Southern Songs of the Sixties" may be seen in *The Emory University Quarterly*, VI, 84-100, (June, 1950).

\* \* \*

Monroe F. Cockrell, 1142 Hinman Avenue, Evanston, Illinois, has had privately printed twenty-two copies of his *Notes and Articles . . . for His Maps of the War Between the States* (Chicago, 1950), one copy of which has been donated to the University of Alabama Library. Mr. Cockrell, a member of the Chicago Civil War Round Table, addressed the Birmingham Confederate Round Table on "The Siege of Vicksburg" on December 9, 1949. Earlier, October 14, 1948, he spoke to the same group on "General Nathan Bedford Forrest, C. S. A." His book is replete with detailed information, photographs and maps.

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